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~~2~~ THE STATE OF OHIO. *gs*

GENERAL AND LOCAL LAWS,

AND

JOINT RESOLUTIONS,

PASSED BY THE

FIFTY-NINTH GENERAL ASSEMBLY,

AT THE REGULAR SESSION,

BEGUN AND HELD AT THE CITY OF COLUMBUS, JANUARY 3, A.D. 1870, AND IN THE 68TH
YEAR OF SAID STATE.

VOLUME LXVII.

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GENERAL LAWS.

AN ACT

To repeal an act entitled "an act relating to the inspection of steam boilers, and for the better protection of life and property against accidents by steam boiler explosions," passed May 7th, 1869. (O. L., vol. 66, p. 136.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "an act relating to the inspection of steam boilers, and for the better protection of life and property against accidents by steam boiler explosions," passed May 7th, 1869, (O. L., vol. 66, p. 136) be and the same is hereby repealed; and that all actions or prosecutions commenced in any of the courts of this state, or causes of action accrued or accruing under the above recited act, and the collection of fines and forfeitures under the same, shall abate on and after the passage of this act. Repeal

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAML F. HUNT,
President pro tem. of the Senate.

Passed January 14, 1870.

AN ACT

Making partial appropriations for the year 1870.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be, and hereby is, appropriated out of any money in the treasury to the credit of general revenue, and not otherwise appropriated, the following sums, to wit: Appropriation.

For the payment of the per diem and mileage of the members and officers of the general assembly, under the laws, the sum of seventy thousand dollars. Per diem, &c., of members.

For the contingent expenses of the general assembly, the sum of five hundred dollars. Contingent expenses.

For payment of expenses of committees of the general assembly, three hundred dollars. Expenses of committees.

For state printing, under the laws, five thousand dollars. State printing.

State binding.	For binding, three thousand dollars.
Stationery.	For stationery, twenty-three thousand dollars.
Salaries at penitentiary.	For salaries of officers and guards in the Ohio penitentiary, fifteen thousand dollars.
Transportation, &c., of convicts.	For prosecution and transportation of convicts to the Ohio penitentiary, ten thousand dollars.
Girls' reform.	For current expenses reform school for girls, two thousand dollars.
Heating apparatus.	For heating apparatus of state-house, five hundred dollars.
Repairs.	For repairs of state-house engine and boilers, one thousand dollars.
Steam fixtures, &c.	For steam fixtures on state-house boilers, under inspection law, three hundred and thirty dollars.
Military claims.	For military claims, allowed by the board of military claims, twenty thousand dollars.
Secretary's clerks.	For salaries of clerks in the office of the secretary of state, twelve hundred dollars.
Salary of adjutant general, &c.	For the payment of the balance of salary due the adjutant general, three hundred and thirty-seven dollars and forty-seven cents, and back pay of clerk in said office, forty-five dollars.
Clerk of military claims.	For payment of salary due clerk of military claims, two hundred dollars.
Care of state-house.	For the care of state-house, nineteen hundred dollars.
Osborn, Kershaw & Co.	For payment of account of Osborn, Kershaw & Co., five hundred and fifty-one dollars and eighty-nine cents.
Hydrostatic pumps.	For payment for hydrostatic pumps, bought under boiler inspection act, six thousand dollars.
Salary of boiler inspector.	For salary of the inspector-in-chief, under an act "relating to steam boiler inspection," &c., passed May 7, 1869, up to the time of the repeal of said act, the sum of twelve hundred and seventy-seven dollars and seventy-two cents.
Expenses for pumps, &c.	For expenses of addition to pumps, tools and connections, two hundred and twenty-nine dollars and thirty cents.
The same.	For transportation of pumps from Newark, New Jersey, fifty-two dollars; for postage, telegrams, blanks, freight, &c., thirty-three dollars. The cost of boilers, salary, expenses, &c., under said law, as aforesaid, shall be carefully examined by the state auditor, and no allowance shall be made under this appropriation which has not been clearly created under said act.
Seneca county bank.	For the redemption of Seneca county bank notes and certificates, six hundred and sixty-two dollars.
Seals and presses.	For seals and presses that may be required by law, two hundred and thirty-five dollars and seventy-three cents.
Tuition of soldiers.	For tuition of soldiers in the state universities, three thousand and one hundred and thirty-nine dollars and seventy-five cents.
Care, &c., of public arms.	For transportation and care of public arms, seven hundred and eighty dollars and six cents.

The four last items above being for balances of appropriations made February and April, 1868, for the purposes named, and which, under the law, will lapse at the expiration of two years, if not reappropriated.

SEC. 2. This act to take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Passed January 28, 1870.

AN ACT

To dispense with proof in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever it shall be necessary, in any civil action or criminal proceeding, to prove the title of the state of Ohio to any lands granted by an act of congress entitled "an act to grant a certain quantity of land to the state of Indiana, for the purpose of aiding said state in opening a canal to connect the waters of the Wabash River with those of Lake Erie," passed March second, one thousand eight hundred and twenty-seven, and which were, by the state of Indiana, transferred to the state of Ohio by a joint resolution of the general assembly of said state of Indiana, approved February first, one thousand eight hundred and thirty-four, and such lands as have been or may hereafter be conveyed by the state of Ohio, to any person or persons, body politic or corporate, the deed of the state of Ohio, conveying the same, shall be prima facie evidence that the title to the land conveyed was in the state of Ohio at the time of the execution of said conveyance.

When deed
 shall be
 prima facie
 evidence.

SEC. 2. This act shall take effect from the time of its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Passed January 31st, 1870.

AN ACT

To amend the act entitled "an act to amend the act for the better regulation of the public schools in cities, towns," etc., passed February 21, 1849, passed March 13, 1850. (O. L., vol. 48, p. 40. S. & C., pages 1376-7.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of the above recited act be amended so as to read as follows:

Title of real
estate to be
vested in
board of ed-
ucation.

Section 3. The title to all real estate and other property belonging for school purposes to any city, town, village, township or district, or to any part of the same, which is or may be organized into a single school district in accordance with this act, or the act to which this is an amendment, shall be regarded in law as vested in the board of education thereof, for the support and use of the public schools therein; and said board may dispose of, sell and convey said real estate or any part of the same, by deed to be executed by the president of said board, upon a majority vote for such sale, at any regular meeting of the electors of said district. Provided, that where the school house site is held under a lease, only the title to the estate created thereby shall be regarded as vested in the board of education; which estate may be sold and conveyed by the board of education, when authorized in the manner hereinbefore provided.

SEC. 2. That section three of said amendatory act of March 13, 1850, is hereby repealed, and this act shall take effect from its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed February 1st, 1870.

AN ACT

To amend section one of an act passed May 5th, 1869, (Vol. 66, Ohio Laws, p. 99,) entitled "an act to amend section one of an act regulating marriages," passed January 6th, 1824. (S. & C., page 855.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above named act, passed May 5th, 1869, be amended so as to read as follows:

Who may
contract
matrimony.

Section 1. That male persons of the age of eighteen years, and female persons of the age of sixteen years, not nearer of kin than second cousins, and not having a husband or wife living, may be joined in marriage; provided, always, that male persons under the age of twenty-one years, and female persons under the age of eighteen years, shall first obtain the consent of their fathers, respectively, or in case of the death or incapacity of their fathers, then of their mothers or guardians.

SEC. 2. That section one of the above named act, passed May 5th, 1869, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed February 10, 1870.

AN ACT

Supplementary to an act "to provide for the organization and government of municipal corporations," passed May 7th, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in the cities of the first class, of a population exceeding one hundred thousand inhabitants at the last federal census, the legislative power of the said corporation shall be vested in a board of aldermen and board of councilmen, which, together, shall form the common council of the said city.

Constitution
of common
council.

SEC. 2. The board of aldermen shall consist of one alderman to be elected from each ward in the city, at the first annual election of municipal officers to be held after the passage hereof. The members of the board of aldermen first elected under this act shall be classified as follows: The aldermen from wards having an even numerical designation, shall hold such office for the term of one year; and those from wards having an odd numerical designation, shall hold office for the term of two years; and at all subsequent elections for aldermen they shall be elected for the full term of two years; and said board of aldermen, and the council now provided by and existing under the act to which this is supplementary, shall, together, form the common council of such cities.

Board of al-
dermen.

SEC. 3. Aldermen and councilmen elected for such city, within ten days after their election, upon separate days, shall assemble and organize their respective boards, as now provided for councils of cities of the first class by the act to which this is supplementary; and a majority of either shall be a quorum to do business. Each board shall elect, by ballot, a president and vice-president from its own body, who shall preside at its meetings; in the absence of the president of either board the vice-president shall preside; and in the absence of the president and vice-president, a president pro tempore shall be elected viva voce. Each board shall determine the rules of its own proceedings, and be the judge of the election returns and qualifications of its own members; and shall keep a journal of its own proceedings.

Organization
of boards.

SEC. 4. Both boards shall meet in the same chamber at least twice each month, on such days as they may severally determine: Provided, that both boards shall not meet on the same day, nor on the day after a meeting of either branch, except when it shall be necessary for them to meet in joint session; and then, only for the transaction of such business as requires a joint session; provided, that if said boards at any time appoint for meeting, or be called to meet on the same day, the meeting of said board of aldermen shall have precedence on any Tuesday, Thursday or Saturday, and the meeting of said board of councilmen shall have precedence on any other day.

Meetings of
boards.

SEC. 5. Every legislative act of the common council shall be by ordinance, resolution or order, which shall have passed the two boards of the common council; and any ordinance, reso-

Acts to be by
concurrent
ordinance.

lution, or order of the common council, may originate in either board, and when it shall have passed one board, may be rejected or amended by the other. The like majority shall be required for the passage of different kinds of orders, resolutions and ordinances in each board, that are now required by law in city councils of one board; and at least one week shall intervene between the passage by one board, of any ordinance, resolution or order, involving the expenditure of money, or any contract for the payment of money, or for granting any franchise or creating any right, and the passage of the same by the other board.

Joint sessions
of the boards.

SEC. 6. In cities where a common council is organized under this act, all officers or agents of said city, now elected or confirmed by the city council, as provided for by city councils of cities of the first class of a population of eighty thousand and over, under existing laws, shall be elected and confirmed by the common council from the qualified voters of the city; and for that purpose the two boards shall meet in joint session; and the term of office of the person so elected or appointed shall be one year; and the election or appointment of all such officers or agents of said city, or of any board created by or working under the same, shall be held immediately after the organization of the common council; and any of said officers elected or appointed prior to the time herein provided for, shall hold their offices only until their successors are elected or appointed and qualified under this act. The city clerk elected by city councils of cities of the first class, under the provisions of the act to which this is supplementary, shall be elected by both boards of the common council, and be the clerk of each board.

City clerk.

Laws applicable to each
board.

SEC. 7. The provision of law now existing in reference to the calling of special meetings of the city council, shall apply to each of said boards; and three members of the board of aldermen uniting with five of the board of councilmen, may, in like manner, call a joint session of the two boards.

Powers and
duties.

SEC. 8. The common council provided for in this act shall be invested with the same powers and duties, except as herein otherwise provided, as are possessed by city councils of cities of the first class having over one hundred thousand inhabitants at the last federal census, under existing laws; and all laws and ordinances regulating the duties of city councils and councilmen, or trustees, in any city organized under the provisions of the act to which this is supplementary, shall be construed as applying to a common council constituted of two boards, and the individual members of the two boards respectively.

Temporary
suspension of
laws.

SEC. 9. The operation of all laws authorizing cities of the first class having a population exceeding one hundred thousand inhabitants at the last federal census, to issue bonds, lease property of any description for any purpose whatever, or to make contracts of any kind whatever, contemplating the expenditure of money not absolutely in the city treasury, to the credit of the fund proposed to be used, at the date of the passage of this act, are hereby suspended

until May 1st, A. D. 1870, and all bonds issued, leases executed, or contracts made in violation of this provision, shall be null and void: Provided, however, that this section shall not apply to an act of the general assembly of this state, passed May 4, A. D. 1869, authorizing cities of the first class to construct and maintain a railroad.

SEC. 10. That where the voters of any ward of a city of the first class having a population of one hundred thousand inhabitants, and upwards, at the last federal census, exceed five hundred, the common council of such city shall have the authority to divide any such ward into voting districts, and the vote of said districts shall be returned as the vote of the ward.

Voting districts.

SEC. 11. All laws inconsistent herewith are hereby declared to be inoperative in cities affected by this act.

Inconsistent laws inoperative.

SEC. 12. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed February 10, 1870.

AN ACT

Supplementary to an act passed April 30, 1869, entitled
"an act to authorize county commissioners to locate and construct turnpike roads." (Vol. 66, O. L., 62.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of any county shall not levy any tax or appropriate any money (except so far as may be necessary to pay the expense of preliminary surveys already commenced,) or any other liabilities already incurred to be expended in the construction of free turnpikes, under the act to which this is supplementary, without first submitting to the qualified voters of said county the question as to the policy of constructing said roads by general tax; which said submission shall be made at the annual spring election in April, A. D. 1870, or any annual spring election thereafter. And said commissioners shall cause public notice of such vote to be given by publication in all the newspapers printed and of general circulation in said county; and also, by causing hand-bills to be posted up at the usual place of holding election in each township and ward throughout the county, at least fifteen days prior to said election; provided, however, that nothing in this act shall affect any contract entered into before its passage, in reference to the construction of any such road.

Question of taxation must be submitted to the people.

SEC. 2. It shall be the duty of the judges of election in the several townships and wards in any county in which such question may be submitted, and such notice given, as afore-

Time and manner of voting.

said, on the day of the annual spring election, in the year A. D. 1870, to open a poll for taking said vote, and to receive and count the ballots cast, and within three days thereafter to return to the auditor of the county a full and correct abstract of said votes; and the said judges of election shall, in all respects be governed by the laws regulating general elections, and shall be entitled to the same compensation for returning said poll books, which shall be paid out of the county treasury on the order of the auditor; and the poll books so returned shall, within five days from the day of holding such election, be opened, and the votes counted by the commissioners and auditor of the county; a correct statement of the result of which votes shall be kept by said auditor on file in his office for public inspection.

Effect of negative vote.

SEC. 3. If, at said election, a majority of the votes so cast, shall be against the policy of constructing free turnpikes, the commissioners shall not assess any tax for that purpose; but the commissioners may, on petition of not less than one hundred tax payers of said county, again submit the same question at any regular annual election, either in the spring or fall, to said qualified voters of the county, notice of which shall be given and the election conducted in all respects in the manner prescribed in the first and second sections of this act.

Procedure in case of affirmative vote.

SEC. 4. If, at any such election a majority shall be found in favor of the construction of free turnpikes, then the commissioners shall be authorized to proceed to levy taxes, issue bonds, and appropriate and expend money in the construction of such free turnpike roads as in their judgment may be necessary to the public convenience and promotive of the public interest; subject, however, in all their proceedings, to the provisions, restrictions, and limitations of existing laws on that subject.

SEC. 5. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed February 16, 1870.

AN ACT

To amend an act supplementary to an act to provide for and regulate street railroad companies, passed April 10, 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of an act entitled an act to amend an act to provide for and to regulate street railroad companies, passed April 10, 1861, and supplementary thereto, and to repeal section 7 of said act, be so amended as to read as follows:

Section 1. That street or horse railroads may be located and constructed, part within, part without, or wholly without the limits of any city, town or village; and any such road heretofore or hereafter constructed within, or part within, or wholly without the limits of any city, town or village, whether such village be incorporated or not, may be so constructed or extended along or upon the national road, or any other road, street, avenue, turnpike, public way or ground, in accordance with the provisions of an act entitled "an act to provide for and regulate street railroad companies," passed April 10, 1861; provided, that, before such construction or extension, the company, public officer or public authorities, owning or having charge of any such road, along or upon which said railroad is or may be constructed or extended, shall agree with such railroad company upon the manner, terms and conditions upon which the same shall be occupied or used; and in cases where such construction or extension shall be along or upon the national road, the board of public works of this state shall agree with such railroad company as to the manner of its use and occupation; but such agreement shall not be necessary to the crossing merely of any such road.

Extension of
roads beyond
corporate
limits.

Mutual
agreement
requisite.

SEC. 2. That said first section of said supplementary act, passed April 10, 1867, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed February 19, 1870.

AN ACT

To authorize cities of the second class, with a population of nine thousand two hundred and twenty-nine, and no more, inhabitants, according to the census of 1860, to construct a line of railway within the limits of said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in cities of the second class, containing a population of nine thousand two hundred and twenty-nine, and no more, according to the census of 1860, if the city council thereof shall, by a resolution thereof, passed by a majority of the members elected thereto, declare it to be essential to the interests of such city that a line of railway, to be named in said resolution, should be provided, between termini designated therein, both of which shall be within the limits of said city, it shall be lawful for the city council of such city to borrow, as a fund for that purpose, not to exceed the sum of twenty-five thousand dollars, and to issue bonds therefor, in the name of said city, under the corporate seal

City council
may provide
for a line of
railway, &c.

Provision for interest.	thereof, bearing an interest not to exceed eight per centum per annum, payable semi-annually, at such places and in such sums as shall be deemed best by said city council. Said bonds shall be signed by the mayor, and attested by the clerk of said city; and the said city clerk shall keep a register of the same, and the faith of the city shall be pledged for the redemption of said bonds. And it shall be the duty of the city council annually to levy sufficient tax to pay the interest on and provide a sinking fund for the final redemption of said bonds; provided, that no money shall be borrowed, nor bonds issued, until after the question of providing the line of railway specified in the resolution shall be submitted to a vote of the qualified electors of said city, at a special election, to be ordered by the said city council, of which at least ten days notice shall be given by publication in the newspapers published in said city; and provided, further, that a majority of the electors voting at the said election shall decide in favor of the construction of said line of railway.
Disbursement of funds.	SEC. 2. The said city council shall have the control and disbursement of said funds, and shall expend the same in procuring the right of way, and in constructing a single or double track railway, with all the usual and necessary appendages; and for that purpose shall have power and capacity to make contracts, and to appoint and employ and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises for that purpose.
Record to be kept.	SEC. 3. The said city council shall keep a record of their proceedings, and they shall also cause to be kept a full and accurate account of their receipts and expenditures in the construction of said line of railway, and publish the same annually.
Security from officers, &c.	SEC. 4. Said city council shall have power to require and take such security from any officer, agent or contractor, chosen, appointed or employed by them, as they may deem advisable. The members of said city council shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway.
Appropriation of land, &c.	SEC. 5. Whenever, in the construction of such line of railway as herein provided, it shall be necessary to appropriate any land for the foundation of any abutments or piers of any bridge across a stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in all respects in accordance with the act entitled "an act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 8th, 1862, and the acts supplementary thereto; except that the verdict of the jury and the judgment of the court shall be so varied as to suit the case.
Power to sell, &c.	SEC. 6. The said city council, when said piece of railway is completed, shall have power to sell, or to rent and lease the right to use and operate the same, upon such terms and conditions as they may deem best for the interests of said city.

SEC. 7. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.

J. C. LEE,
President of the Senate.

Passed February 24, 1870.

AN ACT

To amend section nine of an act entitled "an act to provide for the establishment and government of reform schools," passed April 2, 1858. (S. & C., page 1380.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section nine of the act entitled "an act to provide for the establishment and government of reform schools," passed April 2, 1858, be amended to read as follows:

Section 9. All buildings shall be plainly and substantially constructed, and no expenditure shall be made in excess of appropriations; and for all expenditures, contracts or debts, in violation hereof, the commissioner, officer, or employer voting for, or agreeing to the same, shall be liable in his individual capacity.

Construction
of buildings.

SEC. 2. That original section nine be, and it is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.

J. C. LEE,
President of the Senate.

Passed February 24, 1870.

AN ACT

To amend section nine (9) of an act concerning divorce and alimony, passed March 11th, 1853. (1st S. & C. 509.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section nine of the above recited act be amended so as to read as follows:

Section 9. That the said court, while in session, or any judge thereof in vacation, upon sufficient notice to the opposite party, shall have power to grant alimony to the wife for her sustenance during the pendency of a petition for a divorce, or alimony alone, filed for any of the causes aforesaid; and in all such cases where there is an appeal taken by the husband to the district court, said court or any judge thereof in

Alimony during
pendency of
petition.

vacation, shall have power to grant like alimony during the pendency of said case, on appeal upon like notice being given.

SEC. 2. That section nine of the above recited act, be and the same is repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed March 1, 1870.

AN ACT

To amend section one of an act entitled "an act to authorize the adoption of children," passed March 29, 1859. (Swan & Critchfield, page 506.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act passed March 29, 1859, be so amended as to read as follows:

Adoption of a
minor child,
&c.

Section 1. That any inhabitant of this state not married, or any husband and wife jointly, may petition the probate court of their proper county for leave to adopt a minor child not theirs by birth, and for a change of the name of such child; but a written consent must be given to such adoption by the child, if of the age of fourteen years, and by each of his or her living parents who is not hopelessly insane, intemperate, or has not abandoned such child; if there be no such parents, or if the parents shall be unknown, or have abandoned such child, or if such parents are hopelessly insane or intemperate, then by the legal guardian; if there be no such guardian, then by a discreet and suitable person appointed by said court to act in the proceedings as the next friend of such child: Provided, that when such child shall be an inmate of any orphan asylum organized under the laws of this state, and shall have been previously abandoned by its parents or guardians, or shall have been voluntarily surrendered by its parents or guardians to the trustees or directors of such asylum, then the written consent of the president of the board of trustees, or directors of such asylum, shall be received by the probate court in the place of the consent of the parents or guardians, as hereinbefore provided.

Proviso.

SEC. 2. That section one of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed March 1, 1870.

AN ACT

To amend section three (3) of "an act supplementary to an act making certain instruments of writing negotiable," passed February 25, 1820, and as amended March 26, and took effect June 2, 1861, (58 vol. stat. 41; S. & S., 490.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of the above entitled act be so amended as to read as follows:

Section 3. That the following days, namely, the first day of January, the fourth day of July, the twenty-fifth day of December, and any day appointed or recommended by the governor of this state, or the president of the United States, as a day of fast or thanksgiving, shall, for all purposes whatsoever, as regards the presentment for payment or acceptance, and the protesting or giving notice of non-acceptance or of non-payment of all bonds, notes and bills, made negotiable by the act to which this is supplementary, and falling due after this act takes effect, be treated and considered as the first day of the week; provided, that when the first day of January, the fourth day of July, or the twenty-fifth day of December shall be the first day of the week, the succeeding Monday shall, also, for the same purposes, be treated and considered as the first day of the week.

Days to be regarded as holidays.

SEC. 2. That section three of the above entitled act, passed March 26, 1861, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

J. R. COCKERILL,

Speaker pro tem. of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Passed February 8, 1870.

AN ACT

To authorize the investment of interest accumulating on the agricultural college fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of state be and is required to compute the interest which has accrued and will accrue on the agricultural college scrip fund since the same has been sold, to July first, one thousand eight hundred and seventy, compounding the same by semi-annual rests on the first day of January and the first day of July in each year; and on the fifteenth day of June, eighteen hundred and seventy, to transfer the sum so arising to the said college fund, and invest the

Computation and investment of interest.

The same.

same in the interest bearing bonds of the state, in the same manner as the principal of the said fund is now invested.

SEC. 2. That on the first day of July, eighteen hundred and seventy, and every six months thereafter (viz: on the first day of January and July, respectively,) the auditor of state shall invest the interest of said funds falling due in the same manner as the principal is now invested.

SEC. 3. This act to take effect and be in force from and after its passage.

J. R. COCKERILL,

Speaker pro tem. of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Passed February 10, 1870.

AN ACT

To amend the 21st section of an act entitled "an act to establish the superior court of Montgomery county." (S. & C., vol. 1, page 392.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the 21st section of said act be so amended as to read as follows:

Salary of
judge.

Section 21. The judge of said superior court of Montgomery county shall be entitled to receive, annually, the sum of twenty-five hundred dollars, payable in equal installments at the state treasury on the second Monday of August, the second Monday of November, the second Monday of February, and on the second Monday of May.

SEC. 2. Section 21 of said above mentioned act is hereby repealed. This act shall take effect from and after its passage.

J. R. COCKERILL,

Speaker pro tem. of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Passed February 17th, 1870.

AN ACT

Prescribing the rates of taxation for state purposes for the year 1870.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be levied for the current year for state purposes, on each dollar of valuation of the taxable property in this state, as valued and entered on the grand list of taxable property, taxes at the rate herein specified:

For the ordinary expenses of the state government, including the expenses of the benevolent institutions, and other charges on the general revenue, one mill and five-tenths of a mill.

Expenses
state gov-
ernment.

For the sinking fund, applicable to the payment of the principal and interest of the debts of the state, one mill and two-tenths of a mill; and

Sinking fund.

For the support of common schools, one mill and three-tenths of one mill.

Common
schools.

SEC. 2. This act to take effect on its passage.

J. R. COCKERILL.

Speaker pro tem. of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Passed February 19, 1870.

AN ACT

In relation to Islands in the Great Miami river.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in the case of such islands in the Great Miami river, belonging to the state of Ohio, or any state lands adjacent thereto, which are in the actual and exclusive occupancy of any person or persons who have made improvements thereon, or of their heirs or assigns, such occupants thereof shall have the preference right to enter the same at seven dollars and fifty cents per acre, on making proof of the facts to the satisfaction of the auditor of state, and paying for the land within six months from the passage of this act, and deeds shall be executed and delivered for the tracts so entered as usual in entries of canal lands.

Occupants
entitled to
preference,
&c.

SEC. 2. This act to take effect from its passage.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

J. C. LEE,

President of the Senate.

Passed March 12, 1870.

AN ACT

To punish the crime of mutilating or changing public records.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person shall willfully and maliciously alter, deface, mutilate, destroy, abstract or conceal any record, or part thereof, authorized to be made by any law of this state, of or pertaining to any court, justice of the peace, or any state, county, township or municipal office or officer, or any other public record so authorized, or any paper

Penalty for
altering, etc.
public
records.

or writing duly filed with, in or by any such court, justice of the peace, officer or officer, every such person shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not exceeding three hundred dollars, or be imprisoned in the county jail not exceeding three months, or both, at the discretion of the court; and shall, moreover, be liable to the party injured in an action for damages.

Prosecution
by indictment.

SEC. 2. That all prosecutions under this act shall be by indictment in the court of common pleas of the proper county. And this act shall take effect on its passage.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

J. C. LEE,

President of the Senate.

Passed March 12, 1870.

AN ACT

To amend an act entitled "an act to incorporate Savings Societies," passed April 16, 1867, and amended March 19, 1868 [vol. 65, p. 27].

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eleven of the above recited act be amended so as to read as follows:

Deposits,
and limita-
tion.

Section 11. Every such society may receive on deposit, for the use and benefit of the depositors, all sums of money offered for that purpose, but it shall not hold at the same time more than five thousand dollars of one depositor, other than a religious or charitable corporation, administrator, executor or guardian.

SEC. 2. That section twelve of the above recited act, as amended March 19, 1868, (S. & S. p. 193) be so amended as to read as follows:

Investment
of funds.

Section 12. The funds of such society may be invested in first mortgages of real estate, situate in this state, in sums not exceeding three-fifths the value thereof, exclusive of buildings, or loaned on any stocks or securities, for the redemption or payment of which the faith of any county, city or municipal corporation or board of education in this state is pledged, which shall have been issued pursuant to the authority of any law of this state, and any such loan, so made, shall not exceed in amount ninety per cent. of the cash value of such stocks or securities. Should the stocks or securities above mentioned depreciate in value, it shall be the duty of the trustees of any savings society to require the immediate payment of any loan made by them thereon, or additional security therefor, so that at all times the amount so loaned shall be at least ten per cent. less than the cash value of such stocks or securities; and it shall be the duty of the trustees to make all such loans and contracts on the terms and conditions aforesaid; or the funds of such society may be invested in public funds of this state or of the United

States, or in revenue stamps of the United States; or may be loaned on notes with a pledge of any of the aforesaid securities; Provided, however, that when any loan shall be made on note or notes with a pledge of state or United States funds or stocks as collateral security therefor, such loan shall in no case exceed in amount the par value of said funds or stocks so taken as collateral: and provided, also, that when any loan shall be made on note or notes with any first mortgage of real estate, as collateral security therefor, such loan shall in no case exceed in amount three-fifths the value of the mortgaged premises, exclusive of buildings: and provided further, that nothing herein contained shall prevent any such society from investing such funds in any note or notes, secured by first mortgage as aforesaid, where two-fifths of the purchase money has been cash: provided, that the interest has been so liquidated that the amount due shall not exceed three-fifths of the original purchase or indebtedness.

Rate of
value.

SEC. 3. That section fourteen be so amended as to read as follows:

Section 14. No society shall have more than seventy-five per cent. of its deposits invested in mortgages on real estate, nor shall any society loan or invest in any personal security unless secured by collaterals as aforesaid.

Limit of in-
vestment in
mortgages.

SEC. 4. That said original sections eleven, twelve and fourteen, be and the same are hereby repealed. This act shall take effect and be in force from and after its passage.

Repeal.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed March 12, 1870.

AN ACT

To authorize township trustees to appropriate surplus bounty funds to school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of any township be and are hereby authorized, when requested by the board of education of said township, to appropriate any surplus bounty money belonging to the township that is not necessary for township expenses, to school and school-house purposes, not to exceed one thousand dollars in one year.

Trustees
may appropriate,
&c.

SEC. 2. This act to take effect and be in force on and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives
J. C. LEE,
President of the Senate.

Passed March 18, 1870.

AN ACT

To authorize county commissioners to pay bounties for killing wolves.

Commissioners may offer and pay bounty.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of any county in this state are hereby authorized, whenever in their opinion such shall be necessary, to offer and pay out of any funds of the county not otherwise appropriated, a bounty of not more than one hundred dollars (\$100) each for the killing of wild wolves within such county.

SEC. 2. This act to take effect from and after its passage.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

J. C. LEE,

President of the Senate.

Passed March 18, 1870.

AN ACT

To establish and maintain an Agricultural and Mechanical College in Ohio.

Establishment and style of college.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a college, to be styled the Ohio Agricultural and Mechanical College, is hereby established in this state, in accordance with the provisions of an act of congress of the United States, passed July 2d, 1862, entitled "an act donating public lands to the several states and territories which may provide colleges for the benefit of agricultural and mechanic arts," and said college to be located and controlled as hereinafter provided. The leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agricultural and mechanic arts.

Government thereof.

SEC. 2. The government of said college shall be vested in a board of trustees, to consist of one from each congressional district of this state, who shall be appointed by the governor, by and with the advice and consent of the senate. The president of the state board of agriculture shall be ex officio member of said board.

Terms of office, &c., of trustees.

SEC. 3. The members of the board of trustees, and their successors, shall hold their office for the term of six years each; provided, that at the first regular meeting of said board, the said members shall determine by lot, so that as nearly as may be one-third shall hold their office for two years, one-third for four years, and one-third for six years from the date of the first meeting of the board, or until their successors are appointed and qualified. In case a vacancy occurs by death,

resignation or otherwise, the appointment shall be for the unexpired term. The trustees shall receive no compensation for their services, but shall be entitled to reasonable and necessary expenses while in the discharge of their official duties.

SEC. 4. The trustees and their successors in office shall be styled the "Board of trustees of the Ohio Agricultural and Mechanical College," with the right as such, of suing and being sued, of contracting and being contracted with, of making and using a common seal, and altering the same at pleasure.

Style and powers of trustees.

SEC. 5. The board of trustees shall have power to adopt by-laws, rules and regulations for the government of said college; to elect a president; to determine the number of professors and tutors, elect the same, and fix their salaries. They shall also have power to remove the president or any professor or tutor whenever the interests of the college, in their judgment, shall require; to fix and regulate the course of instruction, and to prescribe the extent and character of experiments to be made.

Further powers and duties.

SEC. 6. The board of trustees shall annually appoint an executive committee of not less than three of their own members, who, when said board is not in session, shall have the management and control of the affairs of said college, under the direction of the board, and shall furnish a full report of their proceedings at every regular meeting of the board, and at such other times as the board may direct.

Executive committee and its duties.

SEC. 7. The college shall be open to all persons over fourteen years of age, subject to such rules and regulations and limitations, as to numbers from the several counties of the state, as may be prescribed by the board of trustees; provided that each county shall be entitled to its just proportion, according to its population. The board may provide for courses of lectures, either at the seat of the college or elsewhere in the state, which shall be free to all.

Who shall be admitted as pupils.

SEC. 8. The board of trustees shall have the general supervision of all lands, buildings and other property belonging to said college, and the control of all expenses therefor; provided always that said board shall not contract any debt not previously authorized by the general assembly of the state of Ohio.

Prerogative of the trustees.

SEC. 9. The board of trustees shall annually elect one of their number chairman, and in the absence of the chairman shall elect one of their number temporary chairman, and shall have power to appoint a secretary, treasurer and librarian, and such other officers as the interests of the college may require, who may or may not be members of the board; and shall hold their offices for such term as said board shall fix, subject to removal by said board, and shall receive such compensation as the board shall prescribe. The treasurer shall, before entering upon the duties of his office, give bond to the state of Ohio in such sum as the board may determine, which bond shall not be for a less sum than the probable amount that will be under his control in any one year, conditioned for the faithful discharge of his duties and the payment of all

Officers of the board.

- moneys coming into his hands, said bond to be approved by the attorney general of the state.
- Collection of cabinet, &c.** SEC. 10. The board of trustees shall have power to secure a collection of specimens in mineralogy, geology, zoology, botany, and other specimens pertaining to natural history and the sciences; and it shall be the duty of the chief geologist of the state to collect and deposit in such place as the trustees may direct, a full and complete set of specimens as collected by him or his assistants, for the benefit of said college. The board shall make provision for a library, apparatus, and arms and accoutrements, and for increasing and preserving the same.
- Board may receive devises of land, &c.** SEC. 11. The board of trustees shall have power to receive and hold in trust, for the use and benefit of the college, any grant or devise of land, and any donation or bequest of money or other personal property, to be applied to the general or special use of the college; all donations or bequests of money shall be paid to the state treasurer, and invested in the same manner as the endowment fund of the college, unless otherwise directed in the donation or bequest.
- Meeting of the board.** SEC. 12. The first meeting of the members of the board shall be called by the governor as soon after the appointment of said board as he may deem advisable, to be held at Columbus, Ohio; all succeeding meetings shall be called in such manner as said board may prescribe; said board shall meet at least once annually at the college building. A majority of the board of trustees shall constitute a quorum to do business: provided it shall require a majority of all the board to elect or remove a president or professor.
- Title of lands to be vested in the state, &c.** SEC. 13. The title for all lands for the use of said college, shall be made in fee simple to the state of Ohio, with covenants of seizin and warranty, and no title shall be taken to the state for purposes aforesaid until the attorney general shall be satisfied that the same is free from all defects and incumbrances.
- Annual reports.** SEC. 14. The board of trustees shall cause a report to be made annually to the governor, of the condition of said college; the amount of receipts and disbursements, and for what the disbursements were made; the number of professors, teachers and other officers, and the position and compensation of each; the number of students in the several departments and classes, and the course of instruction pursued in each; also, an estimate of the expenses of the ensuing year; a full transcript of the journal of the proceedings of the board for the past year, the progress of said college, recording any improvements and experiments made, with their cost, and the results, and such other matters as may be supposed useful; one copy, when printed and bound, shall be transmitted by mail, free, to all other colleges which may be endowed under the provisions of said act of congress, and also one copy to the secretary of the interior.
- Attorney general to be legal adviser of the board.** SEC. 15. The attorney general of the state shall be the legal adviser of said board of trustees, and he shall institute and prosecute all suits in behalf of the same, and shall receive the same compensation therefor as he is entitled to by law for suits brought in behalf of the asylums of the state.

SEC. 16. All funds, together with the interest now accumulated thereon, derived from the sale of land scrip issued to the state of Ohio by the United States in pursuance of the act of congress aforesaid, shall be invested in registered bonds of the state of Ohio, or of the United States, by the authority now having control of the same; which bonds shall be and remain in the custody of the state treasurer intact, unless one-tenth shall be appropriated by the general assembly for the purchase of land, as provided in the act of congress, who shall pay over the income thereof as it may accrue to the treasurer of said college upon the order of the auditor of state, made upon the requisition of the board of trustees; to be by the board of trustees appropriated to the endowment, support and maintenance, of the college as provided in the act of congress, as aforesaid.

Investment
of bonds, &c.

SEC. 17. It shall be the duty of the board of trustees to permanently locate said Agricultural and Mechanical College upon lands, not less than one hundred acres, which in their judgment is best suited to the wants and purposes of said institution, the same being reasonably central in the state, and accessible by railroad from different parts thereof, having regard to healthiness of location, and also regarding the best interests of the college in the receipt of moneys, lands or other property donated to said college by any county, town or individual, in consideration of the location of said college at a given place: Provided, it shall require a three-fifths vote of the trustees to make said location; and provided further, that said location shall be made on or before the fifteenth day of October, 1870; provided further, that any person acting as a trustee, who shall accept or receive, directly or indirectly, any sum or amount from any person or persons, to use their influence in favor of the location of said college at any particular point or place, shall be held to be guilty of a misdemeanor, and on conviction thereof by any court of competent jurisdiction, shall be fined in any sum not less than one thousand nor more than ten thousand dollars; provided further, that in the location of said college the said trustees shall not in any event incur any debt or obligation exceeding forty thousand dollars; and if, in their opinion, the interests of the college can not be best promoted without a larger expenditure for the location than that sum, then they may delay the permanent location of the same until the third Monday of January, 1871, and report their proceedings and conclusions to the general assembly: provided further, that said college shall not be located until there are secured thereto for such location, donations in money or unincumbered lands at their cash valuation, whereon the college is to be located, or in both money and such lands, a sum equal to at least one hundred thousand dollars.

Location of
the college.

Sundry
provisions.

SEC. 18. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.

J. C. LEE,

President of the Senate.

Passed March 22, 1870.

AN ACT

Relative to the removal of minors under sentence for felonies, to reform institutions.

Governor may cause minor convicts to be removed to reform schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any male person under the age of eighteen years, or female person under the age of sixteen years, who has been or shall be convicted of an offense in this state, and sentenced to the Ohio penitentiary, may, before the expiration of the period of the sentence, be removed on the warrant of the governor, at his discretion, and at the expense of the state, from the penitentiary, or any county, to the state reform farm, or the state reform and industrial school for girls, as the case may require, whenever it shall be made to appear satisfactorily to the governor that such removal will conduce to the reformation and benefit of the person so sentenced, and not be prejudicial to the interests of society or the state. And all persons so removed shall be and remain at such farm or school, under the same regulations and requirements, as to time of confinement and otherwise, as other inmates: provided, any person so removed may, in manner aforesaid, during said period, be remanded to the penitentiary to serve out the remainder of his or her term, whenever such person shall prove incorrigible, or his or her conduct shall be such as to convince the governor that the prospect of reformation is remote, or that his or her longer stay at such institution would be detrimental thereto.

Incorrigible convicts may be remanded, &c.

Governor shall report to legislature.

SEC. 2. That the governor shall communicate to the general assembly his doings under this act, in the manner prescribed by the constitution touching reprieves, commutations and pardons, so far as applicable.

SEC. 3. This act shall take effect on its passage.

J. R. COCKERILL,

Pro tem. Speaker of the House of Representatives.

J. C. LEE,

President of the Senate.

Passed March 22, 1870.

AN ACT

To enable the trustees of certain literary institutions to sell their property and close their corporate existence.

Trustees may dispose of property; conditions, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of any university, college, or other institution of learning, incorporated by the authority of this state under special charter, owned in shares or stock subscribed or taken, may dispose of their property at public sale, upon such terms, as to payment, as the stockholders of such institution, by a vote of three-fourths of the shares or stock of the institution, may direct, after giving public notice of the same, by publication for six consecutive weeks in some newspaper published in the county where such university,

college or other institution of learning is located, if there be any printed in such county, and if there be not, then in some newspaper printed in this state, and of general circulation in such county; which notice shall contain a full statement of the terms, time and place of said sale, and the action of said trustees as aforesaid; and the trustees shall have power to close up the corporate existence of such institution, and make an equitable division and distribution of the proceeds of said sale among all the share or stock holders of said university, college or other institution of learning as aforesaid, after the payment of the just debts of said corporation.

—may close
corporate
existence.

SEC. 2. This act to be in force from and after its passage.

J. R. COCKERILL,

Pro tem. Speaker of the House of Representatives.

J. C. LEE,

President of the Senate.

Passed March 22, 1870.

AN ACT

To encourage the study of Anatomy.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful in this state to deliver to the professors and teachers in medical colleges and schools, and to the members of county medical societies that are or may be auxiliary to a state medical society, and for said professors to receive, the remains or body of any deceased person for the purpose of medical and surgical study: Provided that said remains shall not have been interred, and shall not have been desired for interment by any relative or friend of said deceased person, or by some county or township officer, within twenty-four hours after death; provided, also, that the remains of no person who may be known to have relations or friends shall be so delivered or received without the consent of said relatives or friends; and provided that the remains of no one detained for debt, or as a witness, or on suspicion of crime, or of any traveler or stranger, nor of any person who shall have expressed a desire at any time that his or her body may be interred, shall be so delivered or received, but shall be buried in the usual manner: and provided, also, that in case the remains of any person so delivered or received shall be subsequently claimed by any surviving relative or friend, they shall be given up to said relative or friend for interment; and it shall be the duty of said professors and teachers decently to inter in some public cemetery the remains of all bodies after they shall have answered the purposes of study aforesaid; and for every neglect or violation of this provision of this act, the party so neglecting shall forfeit and pay a penalty of not less than twenty-five nor more than fifty dollars, to be sued by the next friend, for the benefit of the nearest of kin.

Cases in
which bodies
may be de-
voted to dis-
section.

Dissectors
must inter
remains.

SEC. 2. The remains or bodies of such persons as may be so received by the professors and teachers aforesaid, shall be

Bodies must
be used for

dissection
alone.

used for the purposes of medical and surgical study alone, and in this state only; and whoever shall use such remains for any other purpose, or shall remove such remains beyond the limits of this state, or in any manner traffic in the same, shall be deemed guilty of a misdemeanor, and shall, on conviction, be imprisoned for a term not exceeding one year in a county jail.

Penalty for
violation of
this act.

SEC. 3. Every person who shall deliver up the remains of any deceased person, in violation of, or contrary to any or all of the provisions contained in the first section of this act, and every person who shall receive said remains, knowing the same to have been delivered contrary to any of the provisions of said section, shall, upon indictment and conviction, be fined in any sum not exceeding one thousand dollars nor less than three hundred, and be imprisoned in the county jail not more than six months; and it shall be the duty of the judge of the court of common pleas at every term thereof, in the charge to the grand jury, to give especially in charge the provisions of this act.

No license for
violation of
former acts.

SEC. 4. This act shall take effect from and after its passage. Nothing contained herein shall be so construed as to interfere with or repeal any laws now in force, the purpose of which is to prevent grave robbing.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,

Passed March 25, 1870.

President of the Senate.

AN ACT

To authorize manufacturing corporations to issue preferred stock.

Issues of pre-
ferred stock.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That manufacturing corporations in this state may issue and dispose of preferred stock to any amount not exceeding one-half the cash capital paid in by the stockholders: provided, that before any such stock shall be issued, the written assent of at least three-fourths of the stockholders in interest in such corporation, representing at least three-fourths of the capital stock of said corporation, shall be obtained therefor, and to the terms thereof.

Use of said
stock.

SEC. 2. The proceeds of such stock shall be used solely for the purpose of paying the debts of the corporation and furnishing a working capital.

Guarantee of
dividends.

SEC. 3. It shall be lawful for such corporation to guarantee the holders of such stock semi-annual dividends, as the directors of such corporation may deem advisable, not exceeding the rate of interest allowed by law to be contracted for, and the final payment of such preferred stock at such time as shall be specified in the certificate; and may provide for the conversion of such preferred stock in the common stock. The holders of such preferred stock shall not have

the right to vote on any question at any meeting of the stockholders of such corporation, or for the election of officers, and shall not be liable for the debts of such corporation.

SEC. 4. The common stock of said corporation shall be entitled to dividends only out of the surplus of the profits, after setting apart a sum sufficient to pay current expenses and the dividends upon such preferred stock. Common
stock divi-
dends.

SEC. 5. This act shall take effect on and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.

J. C. LEE,
President of the Senate.

Passed March 25, 1870.

AN ACT

To amend and repeal section twenty-seven of "An act to provide for the re-organization, supervision and maintenance of common schools," passed March 14, 1858. (Swan & Critchfield, p. 1346.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty-seven of "an act to provide for the re-organization, supervision and maintenance of common schools," passed March 14, 1853 (S. & C. 1346), be so amended as to read as follows:

Section 27. The township treasurer in each township shall be the treasurer of all school funds for school purposes belonging to the township, arising from whatever sources; and on his election, and before entering upon his duties as treasurer of the school funds, he shall give a separate bond, with sufficient sureties, in double the probable amount of money that shall come into his hands as such school fund treasurer, payable to the state of Ohio, conditioned for the faithful disbursement, according to law, of all such school funds as shall from time to time come into his hands. Said bonds shall be approved, in amount and security, by the trustees of the township; and on forfeiture of any bond given for the purpose aforesaid, it shall be the duty of the township clerk, in his own name as clerk aforesaid, to prosecute and cause the same to be collected and paid in to the proper officer of the court, for the use of the schools in the township; which money shall be paid out by such officer as the board of education may order. If the township clerk shall, for thirty days after notice by any freeholder of the township of such forfeiture, fail to prosecute said bond, any freeholder may cause such prosecution to be instituted and carried on in the name of said clerk, and cause the money to be collected and paid to the proper officer of the court, who shall pay out the same as hereinbefore in this section provided. Township
treasurer, his
bond, etc.

SEC. 2. That original section twenty-seven of said act be and the same is hereby repealed; provided, that no bonds heretofore given shall thereby be invalidated, nor rights of Existing
bonds not to
be impaired.

action thereon be lost or impaired, and no action pending abate; but all such actions may proceed under said original section twenty-seven, or under the same as herein amended, as the person prosecuting may determine.

SEC. 3. This act to take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed March 25, 1870.

AN ACT

Supplementary to the act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants, passed May 4, A.D. 1869.

Advances of
funds in cer-
tain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of any city of the first class described in the act to which this act is supplementary, may, after trustees have been appointed, as provided in said original act, advance to said trustees, out of any funds of said city, such sum as may be necessary, not exceeding fifty thousand dollars, for carrying the object for which they are appointed into effect; and said sum shall be repaid out of the trust fund provided for in said original act, when raised.

SEC. 2. This act shall take effect on its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed March 25, 1870.

AN ACT

To repeal the eighteenth section of an act amendatory of and supplementary to the act to regulate insurance companies, passed April 16, 1867, passed May 7, 1869. (66 O. L., p. 325.)

Repeal.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the eighteenth section of the act above recited be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed March 25, 1870.

AN ACT

To amend section five of an act entitled "an act to amend sections seven, eight, nine and ten of an act passed April 12th, 1858, entitled an act to relieve district courts, and to give greater efficiency to the judicial system of the state," passed April 6th, 1859. (S. & C., p. 1161.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five (5) of the above entitled act be so amended as to read as follows :

Section 5. That, on or before the first Monday of October of each year, the judges of the supreme court shall divide the state into five districts, and assign to each member of the said court one of said districts, in which district, so assigned, it shall be the duty of the judge to whom the same is assigned to attend at the session of the district court therein for that year: provided, however, that whenever the judges of the supreme court, at the December session thereof of any year, shall deem it for the best interests of the state, or that the business of the supreme court requires that they should remain in session, they may continue in session, and shall for that year be relieved from attendance at the session of the district court, either in whole or in part, as they may elect.

Judges of supreme court to divide and assign districts.

Proviso of relief in certain cases.

SEC. 2. That said section five of the above recited act be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed April 2, 1870.

AN ACT

To amend section one of an act entitled "an act further prescribing the power and duties of the courts of this state, and the judges thereof," passed April 5, 1856. (S. & C., 1170.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "an act further prescribing the power and duties of the courts of this state, and the judges thereof," passed April 5, 1856, be so amended as to read as follows :

Section 1. That whenever the supreme or district court shall render a final order, decree or judgment, in any proceeding pending therein, the court may remand such order, decree or judgment to the proper inferior court, for execution or other

Entry of order of superior court to be made on journal of in

ferior court,
and effect
thereof.

process; and it shall be the duty of the clerk of the court so remanding such order, decree or judgment, to certify the same to such inferior court; and the clerk of such inferior court shall, upon the receipt of the transcript, so certified, enter the same upon the journal thereof; and every such order, decree or judgment so entered, unless otherwise directed by the court rendering the same, shall, for the purpose of execution or other process, stand as the order, decree or judgment of such inferior court, and execution or other proper process may issue thereon as in other cases.

SEC. 2. That said original section one be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. O. LEE,
President of the Senate.

Passed April 2, 1870.

AN ACT

Supplementary to "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852, and an act to amend sections sixty-six, sixty-seven and seventy of the aforesaid act, passed January 26, 1865. (S. & C., p. 305, and S. & S., p. 239.)

Two or more
religious so-
cieties may
consolidate,
&c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever two or more religious societies, churches, or associations, recognizing the same ecclesiastical jurisdiction, form of faith, government, order and discipline, and incorporated by or under any law of the state, shall desire to become consolidated or united as a single corporation, it shall be lawful for the elders, trustees, deacons, directors, or other known and legal representatives of such two or more societies, churches or associations, to enter into an agreement for such union or consolidation, to prescribe the terms and conditions thereof, the corporate name of such united society, church or association, the time and place for the first meeting of the new corporation, the number of each separate branch or organization who shall be chosen as directors, trustees, elders, or other officers for the new corporation, to succeed to the rights, trusts, duties and obligations of those officers who in the separate organizations held in trust the estate, real and personal, of such separate churches, societies or associations, with such other estates as they shall deem necessary to complete such new corporation: Provided that all agreements so made as aforesaid shall not be conclusive and valid until said agreement, with its terms, shall have been submitted to a meeting, of which due and full notice shall be

Provisions.

given, according to the form and usage for calling church, congregation or society meetings of the members of each separate organization, and shall have been ratified by a two-thirds vote of all present at said meeting, in person or by proxy, and entitled to vote according to the laws, regulations or usages of such church, society or corporation.

SEC. 2. That whenever said agreement shall have been ratified as aforesaid, by each church, society or association a party to said proposed united organization, the clerk or secretary of said several and respective meetings shall certify the record of the proceedings of said meeting, and deliver the same to the clerk or secretary of the first meeting of the united churches, societies or organizations, as hereinbefore provided, and as specified in said terms of agreement.

Clerk to certify the record.

SEC. 3. That at the aforesaid first meeting, as provided for in the terms of agreement, the proceedings and acts of the several churches, societies and parties thereto shall have been submitted and approved by said meeting, and a board of trustees, directors or other officers shall have been chosen in accordance with the aforesaid terms of agreement, the clerk or secretary of said meeting shall certify such approved agreement, or terms of union, to the recorder of the county in which such united church shall be situated, which shall be recorded as provided for in the second section of the act to which this is supplementary, passed January 26, 1856; and upon the filing of said certificate, the several churches, societies or associations, parties thereto, shall be deemed and taken to be one corporation, possessing within this state all the rights, privileges and franchises, and subject to all the restrictions, disabilities and duties of such new corporation of the state so united.

Terms of union to be recorded.

SEC. 4. That such new corporation, constituted as aforesaid, with its officers and chosen representatives, shall succeed to and shall be invested with, all and singular, the right, title and interest, in and to every species of property, real, personal or mixed, and all and singular the rights, privileges and franchises of each of said churches, societies or associations parties to the same, without any other act, conveyance or transfer whatsoever; and such new corporation shall hold and enjoy the same, with all the rights pertaining to such property, franchises and trusts; and such new corporation shall be subject to all the debts, liabilities and obligations, in the same manner and to the same extent as any or either of said churches or societies parties to the new corporation.

Rights and liabilities of consolidated society.

SEC. 5. This act to take effect from and after its passage.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

J. C. LEE,

President of the Senate.

Passed April 2, 1870.

AN ACT

To amend sections 61, 271, 566, 570 and 663, and repeal section 669 of the Municipal Code. (O. L. vol. 66, pp. 262 and 263.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 61, 271, 566, 570, and six hundred and sixty-three of the municipal code be so amended as to read as follows:

Officers of
cities of the
first class.

Section 61. The officers of cities of the first class shall consist of a mayor, solicitor, treasurer, street commissioner, police judge, prosecuting attorney of police court, clerk of police court, all of whom shall be elected, and a civil engineer, fire engineer, superintendent of markets, and chief of police, to be appointed by the mayor, with the assent of the council, and a clerk and auditor, to be elected by the council; and the council shall have power to provide by ordinance for the appointment by the mayor of as many lieutenants of police as may be deemed necessary: provided, that in cities of the first and second class having a population of less than fifty thousand, embracing a county seat, no election for city treasurer shall be held, but the county treasurer shall, in such cases, act as city treasurer, at a rate of compensation for his services to be fixed by the city council, not exceeding five hundred dollars per annum; and provided further, that all city treasurers now in office shall remain in office, and discharge the duties thereof, until the expiration of the terms for which they, respectively, may have been elected.

Establish-
ment and
government
of work-
houses.

Sec. 271. The council of any city or incorporated village shall have power to establish, erect and maintain a work-house; and such work-house, and any work-house heretofore established, shall be governed by the provisions of this chapter: provided, that any city which has erected, or may have in process of erection, a "house of correction," as provided by an act of the general assembly of the state of Ohio, passed April 13, 1867, may organize and govern the same under the provisions of this chapter or chapter nineteen, as the city council may determine.

Jury to assess
damages.

Sec. 566. Upon the passage of an ordinance for making the improvement, it shall be the duty of the mayor or solicitor of the corporation, in cases where claims for damages have been filed within the time above limited, and the council shall have determined to have the damages assessed before commencing the improvement, to make application in writing to the court of common pleas, or a judge thereof in vacation, or the probate judge of the county within which the corporation is situated, to summon a jury; and it shall be the duty of such court, judge, or probate judge, to direct the summoning of a jury as aforesaid, in the manner pointed out in chapter forty-seven, and fix the time and place for the inquiry and assessment of such damages, where claims have been filed as aforesaid.

Sec. 570. In all cases where the council shall have determined to assess the damages after the completion of any improvement provided for by this act, for which claims for damages have been filed as hereinbefore provided, it shall be the duty of the mayor or solicitor, within ten days after the completion of such improvement, to make written application to the court of common pleas, or a judge thereof in vacation, or the probate judge of the county in which the corporation is situated, to summon a jury, in the manner pointed out in chapter forty-seven, to assess the amount of damage in each particular case where claims have been filed as aforesaid; and it shall be the duty of such court, judge, or probate judge, to fix the time and place for the inquiry and assessment of damages in the same manner as above provided.

Assessment
of damages
after comple-
tion of im-
provement.

Sec. 663. Loans may also be made by any municipal corporation in anticipation of the revenues to be derived from any tax authorized by this act, for public improvements or other public use; and the council shall have power to issue the bonds of the corporation for the money so borrowed, in such amounts as they may determine, bearing a rate of interest not exceeding eight per centum per annum, and payable at such time as they may deem proper, not exceeding fifteen years.

Loans in an-
ticipation of
revenue.

SEC. 2. Section 669 of the municipal code, and said original sections 61, 271, 566, 570 and 663 are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed April 2, 1870.

AN ACT

To amend section 297 of an act entitled "an act to provide for the organization and government of municipal corporations." (O. L. vol. 66, p. 199.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 297 of the above entitled act, be so amended as to read as follows: Section 297. The provisions of this chapter shall, so far as applicable, govern hospitals heretofore established and erected, except that nothing in this act contained, or in this chapter, shall be taken or construed as in any manner repealing or suspending, by implication or otherwise, an act entitled "an act regulating the Commercial Hospital of Cincinnati," passed March 11, 1861, or any of the acts amendatory thereof or supplementary thereto.

Exception of
application
as to com-
mercial hos-
pital of Cin-
cinnati.

SEC. 2. That original section 297 of the above entitled act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Passed April 6, 1870.

AN ACT

To amend section thirteen of an act to amend and supplementary to an act entitled an act to provide for the reorganization, supervision and maintenance of common schools, passed March 14th, 1853, and the acts amendatory thereto; also supplementary to an act for the support and better regulation of common schools in the town of Akron, passed February 8th, 1847, and the acts amendatory thereto; also supplementary to an act for the better regulation of the public schools in cities, towns, &c., passed February 21st, 1849, and the acts amendatory thereto. (S. & S., page 704.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section thirteen of the above recited act be amended so as to read as follows:

Disposition
 of funds of
 teachers' in-
 stitutes, &c.

Section 13. In every county of this state in which an association of teachers of common schools called a teachers' institute, has been or may hereafter be formed, the treasurer of said county is hereby required to pay over to the committee of said institute, upon the order of the county auditor, such sum of money belonging to the fund arising from the means and sources as provided in the seventh section of this act, as may not have been previously appropriated; and it shall be the duty of the said committee of every such teachers' institute to report, within thirty days after every meeting of the same, to the state commissioner of common schools, the number of teachers in attendance, the names of the instructors and lecturers, an account of the moneys received and expended by them, and such other information relating to the institute as the said commissioner may require: provided, that no part of the said moneys shall be ordered by the county auditor to be paid over except upon the petition of at least thirty practical teachers, residents of the county, who shall therein declare their intention to attend such institute; nor until the said committee shall file with the said auditor their bond in double the amount of the moneys to come to their hands, payable to the state of Ohio, for the use of the teachers' institute of said county, with sufficient sureties, to be

approved by said auditor, conditioned for the faithful disbursement of said moneys; and that said committee shall make the report to the state school commissioner as hereinbefore provided. And in case the said committee shall fail to make said report as hereinbefore provided, they shall forfeit and pay to the state of Ohio the sum of fifty dollars for each failure, to be recovered in an action on said bond as hereinafter provided; and on forfeiture of such bond it shall be the duty of the prosecuting attorney of the proper county, in the name of the state of Ohio, to prosecute an action upon such bond, and collect any such moneys which said committee have failed to disburse according to law, or any penalty to which they may be liable under this act, or both, and to pay the same into the county treasury for the use of such institute.

Penalty for neglect.

SEC. 2. That said original section thirteen of the above recited act be repealed. This act to take effect on its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed April 6, 1870.

AN ACT

Further supplementary to the "act making provisions for the incorporation of cemetery associations," passed February 24, 1848.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the trustees of any cemetery association, that is now, or may hereafter be organized under the laws of this state, (in any county containing a city of the first class) to purchase, or take by gift or devise, and hold lands, exempt from execution, and from appropriations for public purposes, for the sole and exclusive use of a cemetery, not exceeding five hundred acres in extent, three hundred acres of which shall be exempt from all taxation. And it shall be lawful for said trustees, whenever, in their opinion, any portion or portions of their lands are unsuitable for burial purposes, to sell such portion or portions, and apply the avails thereof to the general purposes of such association: provided, upon such sales being made, the lands so sold shall be returned by said trustees to the auditor of the proper county, to be by him placed upon the grand duplicate for taxation.

Trustees may purchase and hold lands for cemetery purposes.

SEC. 2. *Be it further enacted,* That all the receipts and income of such association, whether derived from the sale of lots, from donations or otherwise, shall be applied to the payment of the purchase of said lands, to the laying out, preserving, protecting and embellishing the cemetery and the

Application of income, &c.

avenues within the same, to the erection of such buildings as may be necessary, and to the general purposes of such association; and no debts shall be contracted in anticipation of future receipts, except for the original purchase of the land, and the laying out, inclosing and embellishing the grounds and avenues therein; provided, no part of the proceeds of lands sold, or any of the funds of any such association, shall ever be divided to its stockholders, or lot owners; but all its funds shall be used exclusively for the purposes of such association, as herein above specified, or invested in a fund, the income of which shall be so used and appropriated as aforesaid.

SEC. 3. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Passed April 6, 1870.

AN ACT

Limiting the compensation of certain officers therein named.

Disposition
 of funds arising
 from
 fees, costs,
 &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the fees, costs, percentages, penalties, allowances and all other perquisites of whatever kind, which by any law the clerk of any court, probate judge, sheriff, either as such or as special master commissioner or receiver in any case, treasurer, recorder and auditor in every county in this state having a population of two hundred thousand inhabitants or more, as shown by the last federal census, is or may hereafter be authorized to charge, receive and collect, for any official services rendered by him or them, shall hereafter be received and collected by the said officers, respectively, to and for the sole use of the county treasury of their respective counties, as public moneys belonging to said counties, and not otherwise, and shall be accounted for and paid over as such in the manner hereinafter provided.

Report there-
 of to county
 commission-
 ers.

SEC. 2. That it is hereby made the duty of the several officers named in the first section of this act, to report to the county commissioners of their respective counties quarterly, during each year of their official term, a certified and sworn statement, in detail, of all the costs, fees, percentages, penalties, allowances and other perquisites of every kind charged in his office, whether taxed in any cause, matter of proceeding or otherwise, and receivable by him for any services rendered by him during the quarter next preceding the time of making such statement, showing the whole amount thereof, how much thereof has been received by him, how much thereof remains uncollected, the names of the persons

from whom any of the same are due, and the amount due from each, and the reason why the same has not been collected: provided, however, that the sheriff, clerk and probate judge shall not be required to report as to uncollected fees or costs in any suit, matter or proceeding, which, at the time of making any such quarterly report shall be pending and not determined by a final order or judgment; but all such uncollected fees and costs shall be reported in full in the next quarterly report if the said suit, matter or proceeding shall have been determined by a final order or judgment; and provided further, that the treasurer shall not be required to report the fees, percentages, allowances or penalties receivable by him for collecting taxes that are charged upon the tax duplicate until his settlements with the county auditor, but shall report the same to the county commissioners when made out; and that the county auditor shall not be required to report the fees receivable by him for services rendered by him and payable to him out of the county treasury, except by his annual settlement with the county commissioners as now provided by law.

Proviso.

SEC. 3. The judges of the court of common pleas in joint session shall, from time to time, fix the maximum compensation of all deputies, clerks, book-keepers and other assistants, who may be employed by the treasurer, auditor, recorder, sheriff, probate judge and clerk, which compensation shall be paid to them monthly, out of the county treasury, upon the warrant of the county auditor; and the number of deputies, clerks, book-keepers and other assistants of the officers named in the first section of this act, shall be determined by said officers respectively, subject to the approval of the judges of the court of common pleas; and for no official act or duty shall any such deputy, clerk, book-keeper or other assistant receive, to be retained by himself, any additional fee, salary or compensation, other than that fixed and provided for in this section. And no officer shall receive or be paid directly or indirectly, any part of such salary or compensation of such deputy, clerk, book-keeper or other assistants, or any fee or reward for appointing him to such position. The county commissioners shall allow and order to be paid as other claims against the county, all other reasonable expenses necessary to the proper discharge of the duties of any of the above named officers; provided, however, that the compensation of all deputies, clerks, book-keepers and assistants, hereby authorized to be paid, shall be first paid out of the fees, costs, percentages, penalties or allowances collected by said officer and accounted for and paid into the county treasury.

Compensation of deputies, &c., to be fixed by court of common pleas, &c.

SEC. 4. That each of said officers shall keep full and regular accounts, subject at all times to the examination of the county commissioners, of all sums collected by him on account of official fees, costs, percentages, penalties, allowances and other perquisites of whatever kind, and said books of accounts shall be a part of the records of their respective offices, and belong to the county, and shall be transmitted to their successors in office.

Account of fees, &c., to be kept.

Allowances
to county
officers.

SEC. 5. That, if after deducting from the whole amount of the costs, fees, percentages, penalties, allowances and perquisites collected by each of said officers, respectively, during each year, the amounts allowed and paid for the compensation of deputies, clerks, book-keepers and other assistants, and other necessary expenses of said officers, they each shall be allowed to receive as annual compensations for his services, out of the costs, fees, percentages, allowances, perquisites and penalties collected by him, as follows: clerk, five thousand dollars; probate judge, five thousand dollars; sheriff, five thousand dollars; treasurer, seven thousand dollars; auditor, five thousand dollars; and recorder, three thousand five hundred dollars; which sum shall be paid to them quarterly out of the county treasury, upon the warrant of the county auditor; it being the intent and meaning of this act to limit the maximum annual compensation, from every source, of the officers named in the first section of this act, to the sums named in this section.

Moneys to
be paid into
treasury
quarterly,
&c.

SEC. 6. That each of said officers named in the first section of this act, shall, at the end of each quarter, pay into the county treasury, on the warrant of the county auditor, and account for to the county commissioners, for the use of the county, all the fees, costs, penalties, percentages, allowances, and perquisites of every sort, collected by him during said quarter; but if in any quarter there shall not have been collected a sufficient amount of fees, costs, percentages, allowances or penalties by any officer, to pay to him the proportion due him for his own use as herein limited, he shall be entitled to receive the amount of any such deficiency out of collections made by him, or his successors in office for him in any succeeding quarter or quarters, from the official costs, fees, percentages, allowances and penalties, earned and charged by him, after deducting therefrom the amounts allowed for the compensation of his deputies, clerks, book keepers and assistants, as hereinbefore provided. It shall be the duty of the sheriff, at the expiration of his official term of office, or within ten days thereafter, to pay over to his successor in office all moneys that may be in his hands, under any execution, order for sale, or other legal process of whatever kind, or the proceeds arising from any sale of real or personal property by him previously made, and where he holds the same awaiting an order of court for confirmation of sale or distribution of proceeds.

Construc-
tion.

SEC. 7. Nothing in this act shall be so construed as to make the county or the county commissioners of any county liable to any of the officers named herein, or their deputies, clerks, book keepers or other assistants, for the payment of any salary or compensation, except out of the fees, costs, percentages, allowances and penalties collected by any of these officers, respectively.

Penalties for
non-compli-
ance with
provisions of
this act.

SEC. 8. In case any officer named in this act shall fail to pay over into the county treasury any money found to be due from him, upon his settlement with the county commissioners, under this act, for the period of thirty days after the same shall have been ascertained and found by them to be

due, and notice given to him; or if any of the said officers shall, with intent to violate this act, fail to furnish the statements and reports herein required, at the time and in the manner herein specified; or if the sheriff shall fail to pay over moneys to his successor in office, as provided in section six of this act; or if any of said officers shall willfully make any such report or statement false in any material matter, knowing the same to be so; or if any of said officers shall willfully violate any of the provisions of this act, he shall, upon conviction upon indictment or information in the court of common pleas of the proper county, be adjudged guilty of misconduct in office, and be immediately removed therefrom, and in addition forfeit all compensation to which he would be otherwise entitled, and be condemned to pay a fine for the use of the county of not less than five hundred nor more than two thousand dollars; for the payment of which forfeiture and fine, as well as any amount otherwise due from him in his official capacity, his sureties shall also be liable upon their bond, to be recovered in a civil action in the name of the state of Ohio, for the use of the county in which he was an officer. The probate judge shall be subject to all the fines and penalties prescribed in this section, except removal from office.

SEC. 9. The official bond required by law and hereafter taken from any officer named in this act, shall be deemed and held to make the parties to the same liable for any violation on the part of the officer for whom they are sureties of any of the provisions hereof, and for the faithful performance of all the duties hereby required.

Official bond held liable, &c.

SEC. 10. It shall be lawful for the county commissioners, for the first two years after this act goes into effect, to authorize the county auditor to draw his warrant upon the county treasury for such sum or sums as they, from time to time, may think reasonable and necessary to pay the current salaries and official expenses of said auditor's office, in anticipation of the fees that will be due and payable to said auditor, out of the county treasury, for official services rendered said county; but in no case shall the sum or sums so authorized to be drawn from the treasury exceed the amount estimated to be due said auditor for compensation and the amount of salaries due and payable by him to his employes, at the next annual settlement thereafter with the county commissioners; and all moneys so drawn by said auditor shall be fully accounted for in his quarterly account thereafter rendered to said commissioners, as provided in the second section of this act.

Payment in anticipation of fees, &c., allowable for two years.

SEC. 11. For the first two years after this law goes into effect, it shall be lawful for the officers severally named in the first section of this act, to pay the salaries of the deputies, clerks, book keepers, and other assistants employed by them, the compensation as fixed by the judges of the court of common pleas, as provided in the third section of this act, out of the official fees, costs, percentages, penalties, allowances, and other perquisites collected by them, and arising from and belonging to their respective offices; and for such pay-

Payment of salaries.

ments they shall take proper vouchers, or receipts, according to the form hereinafter provided; and in their quarterly settlements with the county commissioners, as provided in the second section of this act, said accounting officer shall be accredited with the full amount of said vouchers so paid by him during the quarter next preceding said settlement.

Accounts for
fees, &c.,
how kept.

SEC. 12. The fees, costs, percentages, penalties, allowances, and other perquisites paid into the county treasury by the officers named in the first section of this act, shall be by the treasurer credited to the respective officers from which they were derived, and kept as separate funds to meet the expenses of said officers: provided that none of the salaries or expenses of one of said officers shall ever be charged to or paid out of the money placed to the credit of another of said offices.

Receipts to
be verified
by oath, &c.

SEC. 13. Before the auditor shall issue a warrant upon the county treasurer to any deputy, clerk, book keeper or other assistant for his compensation or salary, as prescribed in the third section of this act, and before any of the officers named in the first section of this act shall pay any deputy, clerk, book keeper, employe, or other assistant his compensation or salary, as provided in the eleventh section of this act, said deputy, clerk, book keeper or other assistant shall sign a receipt and verify the same by oath or affirmation attached, which receipt and oath or affirmation shall be in the following form:

No—

Received of the (here recite the county, or officer, as the case may be,) by (here insert name of party receiving salary and compensation) dollars, in full for services as (here insert services) for ending 18

\$. (Name of party receiving money.)

I hereby swear that I have rendered the services as herein stated, and that I have received the full sum set forth in the above receipt for my own use and benefit, and that I have not paid, deposited or assigned, nor contracted to pay, deposit or assign any part of such compensation for the use of any other person, nor in any way, directly or indirectly, paid or given, nor contracted to pay or give, any reward or compensation for any office or the emoluments thereof.

(Name of party receiving money.)

Sworn to, and subscribed, before me, this day of 18 .
Justice of the peace.

And said receipt and oath or affirmation shall be preserved and filed by the auditor.

Rate per
cent. allow-
ed, &c.

SEC. 14. The officers named in the first section of this act shall be allowed to charge, assess, receive and collect of the specific items of fees, costs, percentages and penalties now or hereafter authorized by law, to be charged, assessed, received or collected by each of said officers respectively, the rate per cent. hereinafter named and no more, to wit: probate judge, eighty per cent.; sheriff, eighty per cent.; clerk of the court of common pleas, eighty per cent.; treasurer, eighty per cent.; auditor, eighty per cent.; recorder, ninety per cent.

SEC. 15. The words fees, costs, percentages, penalties, allowances and other perquisites in the first section of this act, as they relate to the sheriff, are intended to apply to any turnkey's fees, and all allowances of jailor's fees made to the sheriff or jailor for the support of prisoners in the county jail, from whatever source derived. Definitions, &c.

SEC. 16. Nothing in this act shall be construed as changing the existing laws of this state relating to the appointment and approval of any deputy, clerk, book keeper or other assistant of any officers named in the first section of this act, except as to limiting the number and compensation of each as provided in the third section of this act. Laws not changed by this act.

SEC. 17. Whenever the net accumulated fund in the county treasury to the credit of any one of the funds arising from the fees, costs, percentages, penalties, allowances or perquisites of the officers named in the first section of this act, shall exceed five thousand dollars over and above the expenses of said offices, it shall be lawful for the county auditor, upon the order of the county commissioners, to transfer from said special fund, to the general fund for the use of the county, any sum that may have accumulated over and above the sum of five thousand dollars. Disposition of accumulated funds.

SEC. 18. This act shall take effect and be in force from and after its passage: provided, however, that nothing herein contained shall be so construed as to affect the compensation, fees, costs, perquisites and penalties of any officer elected previous to the second Tuesday of October, 1869, and now in office. And the fees, costs, percentages, allowances, penalties and other perquisites of whatever kind of the officers herein named, remaining unpaid at the end of his official term, shall in no wise belong to or be the property of any such officer, except so far as is provided in the sixth section of this act; but shall be collected by his successor in office, and shall be held as public moneys and property of the county, and shall constitute a part of the fund out of which the expenses and compensation of such successor in office shall be paid: provided, that nothing herein contained shall be construed to apply to the clerk elected on the second Tuesday of October, 1869, and his appointed successor until the first of October, 1870. Officers now in office not affected by this act, &c.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Passed April 6, 1870.

AN ACT

To provide for extending the protection and benefits of the lunatic asylums of the state to the chronic insane, and to repeal section one (1) of an act entitled "an act to amend section nineteen (19) of an act passed April 7, 1856, entitled 'an act to provide for the uniform government and better regulation of the lunatic asylums of the state, and the care of idiots and the insane,'" passed April 16, 1862 (S. & S., page 435), and to amend section twenty (20) of the original act to which said section one (1) is amendatory.

Provision to be made for the chronic insane in lunatic asylums.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That to provide for the proper care and treatment of the chronic insane persons of this state, the accommodating capacity of the several following named lunatic asylums now in use or in process of construction, shall be increased by the necessary enlargement of or additions to the the several named asylum buildings, sufficiently to accommodate, in addition to the number of insane persons which they are now required by law to furnish asylum, as follows: The Northern Lunatic Asylum at Newburgh, one hundred and fifty (150) additional; the Central Lunatic Asylum at Columbus, (200) two hundred additional; the New Lunatic Asylum at Athens, one hundred (100) additional; the said enlargements and additions to each asylum to be fire-proof, and not to exceed, when completed, a cost of one thousand (1,000) dollars per capita, and the trustees of the several aforesaid asylums shall proceed, immediately after the passage of this act, to erect the necessary buildings under the provisions of the act entitled "an act prescribing the duties of the directors, trustees, commissioners or other officer or officers to whom is confided the duty of devising and superintending the erection, alteration, addition to or improvement of any state institution, asylum or other improvement," passed April 3, 1868.

Terms of admission.

SEC. 2. The chronic insane shall be admitted to the several lunatic asylums of the state upon the same terms and in the same manner that other insane persons are admitted thereto, and no discrimination shall be made against those whose cases may be adjudged chronic, nor shall any preference be given to those whose cases may be regarded as curable.

SEC. 3. That section one of the above recited amendatory act, passed April 16, 1862, be amended to read as follows:

Section 1. That section nineteen (19) of the act entitled "an act to provide for the uniform government and better regulation of the lunatic asylums of the state," passed April 7, 1856, be amended to read as follows:

Rules of admission, &c.

Section 19. Each county shall be entitled to send patients to the asylum of the district in which the county is situated, in proportion to the population of such county, as ascertained

by the last census taken preceding such application. No idiot shall be admitted into any lunatic asylum, and no lunatic under seven (7) years of age shall be admitted, and no persons shall be admitted other than citizens of the state and inhabitants of the district in which the asylum to which they seek admission is located; and an inhabitant within the meaning of this act shall be a person who shall have been a resident of the state one year next preceding the date of application for admission to the asylum; and no person shall be entitled to the provisions of this act except persons whose insanity or lunacy has occurred during the time such person shall have resided in this state.

SEC. 4. That section 20 of an act entitled "an act to provide for the uniform government and better regulation of lunatic asylums of the state, and the care of idiots and the insane," passed April 7, 1856, be amended to read as follows:

Section 20. That for the admission of patients to any of the asylums, the following proceedings shall be had, viz: Some resident citizen of the proper county shall file with the probate judge of such county an affidavit, substantially as follows:

[illegible]

SEC. 5. That as soon as the proper buildings have been erected and the necessary provision made for the accommodation of the chronic insane, the trustees of the several asylums shall give public notice thereof, by advertisement in at least one newspaper in each county in their respective asylum districts, the expense of the publication of said notice to be paid on the warrant of the auditor of the state out of the state treasury.

SEC. 6. That section one of an act entitled an act to amend section nineteen of the act passed April 7, 1856, entitled "an act to provide for the uniform government and better regulation of the lunatic asylums of the state, and the care of idiots and the insane," passed April 16, 1862, and section twenty of the act entitled "an act to provide for the uniform government and better regulation of the lunatic asylums of the state, and the care of idiots and the insane," passed and took effect April 7, 1856, be and the same are hereby repealed.

SEC. 7. This act shall be in force from and after its passage.

J. B. COCKERILL,
Pro tem. Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 12, 1870.

AN ACT

To amend "an act to authorize railroad companies to increase their capital stock and issue bonds in certain cases," passed April 9, 1863. (S. & S. 123.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the act aforesaid be so amended as to read as follows:

Mortgage of
road, stock,
&c.

Section 1. Any railroad company authorized by the laws of this state, or the purchasers of any railroad within this state, which has been or may hereafter be sold pursuant to judicial order or decree, or the assigns of such purchasers, organized and acting as a company, incorporated or unincorporated, desirous of completing its line of road, or of constructing a second track in whole or in part, or of increasing its machinery, rolling stock, depots, shops, or other improvements or fixtures, or of selling, liquidating or paying off any unfunded or floating debt or debts, or other liabilities incurred in the construction or equipment of its railroad, or for the purpose of extending the same, or constructing branches as authorized by law, or for either or all the purposes aforesaid, shall have the power to mortgage by its company name, or in any other manner create a lien upon its company property, fixtures and income, including the whole or any part of its road or branches, or each part or branch separately or combined, and to cause such mortgage, or other form of lien, to be executed and acknowledged in its company name, by its proper officers, and to be recorded in the same manner and with the same effect as is prescribed in section two of the act to regulate railroad mortgages, passed February 9th, 1853, and under such mortgage or mortgages, or other form of lien, may issue its bonds, convertible or otherwise, in such sums and for such amounts as the directors may deem necessary for the purposes aforesaid, if authorized by the vote of shareholders representing a majority of the existing share capital, in person or by proxy, at any regular annual meeting of said company, or at any special meeting called for that purpose by the directors of such company, on due notice given in the manner provided by its by-laws for holding meetings of its shareholders, or by the written consent of shareholders representing a majority of the existing share capital of such company; and such bonds may bear any rate of interest, payable semi-annually, not exceeding the rate permitted to individuals, and may be sold in or out of the state, and at such rate or rates of discount as the directors may deem proper; which sale or sales shall be as valid in every respect as if said bonds were sold at their par value; and such company may confer on the holders of any bonds hereafter issued by it such rights to vote at all meetings of shareholders, not exceeding one vote for such an amount of such bonds at par as shall equal the amount of one share of stock at par, as may be authorized by the vote of shareholders representing a majority of the existing share capital at any regular annual meeting of such share-

Bonds, rate
of interest,
&c.

holders, or at any special meeting of such shareholders called for that purpose, or by written consent, as aforesaid; which rights, when once fixed, shall attach to and pass with such bonds, under such regulations, with or without registration, as the by-laws may prescribe, to the successive holders thereof, but shall not subject any holder to any assessment by the said company, or any liability for its debts, or entitle its holder to any dividends: provided, however, that no holder of any such bond or bonds shall be entitled to vote the same upon any contract or agreement with such company to which such holder may be a party.

SEC. 2. That section one of the act of which this is amendatory, be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

J. R. COCKERILL,

Pro tem. Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Passed April 12th, 1870.

AN ACT

To amend section 27 of an act relating to roads and highways, and to repeal said original section 27. (S. & S., p. 662.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That section twenty-seven of the act entitled "an act relating to roads and highways," passed March 9, 1868, be so amended as to read as follows:*

Section 27. That any person, or persons, who shall receive a certificate, as provided for in the foregoing section, shall present the same to the township trustees of the proper township, at any regular or called session of said trustees, within twelve months after the taking and carrying away of such timber, stone or gravel, and the trustees being satisfied that the amount as aforesaid is just and equitable, shall cause the same to be paid out of the road fund of such township: provided, that said certificates, so allowed and paid by the trustees aforesaid, shall not exceed twenty-five dollars to any road district, per annum; that any greater amount that may be presented, shall be examined, and if allowed, shall be certified over to the county commissioners of the proper county, with their accompanying vouchers, to be allowed by them, if in their opinion the same is just and equitable.

Payment of
certificates
for stone, tim-
ber, etc.

SEC. 2. That said original section twenty-seven be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

J. R. COCKERILL,

Pro tem. Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Passed April 12th, 1870.

AN ACT

Supplementary to the act passed May 12, 1861, entitled "an act for the preservation and repair of the national road in Ohio, and for the collection of toll thereon; and to the act passed April 5, 1865, entitled an act to amend the second section of the act for the preservation and repair of the national road, and for the collection of tolls thereon," passed May 5, 1865.

Collection of
tolls from in-
termediate
travel, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in addition to powers conferred upon the board of public works, by the provisions of the acts above recited, and to which this act is supplementary, the said board shall have power to require the collection of tolls from persons who may travel in carriages, wagons or other vehicles on wheels or runners, between toll gates on the national road, at the same rate per mile as may at the same time be charged for like travel on or the use of said road, by persons traveling or hauling through the toll gates thereon; and it shall be the duty of the resident engineer in charge of said national road, to see that all orders of the board of public works looking to the collection of toll for travel between gates on said road, made in pursuance of law, shall be strictly enforced.

Travelers or
haulers to re-
port monthly
on oath.

SEC. 2. It is hereby made the duty of each and every person traveling or hauling with team or teams between gates on said national road, in case the said board of public works shall publish an order for the collection of such intermediate toll for travel or hauling between gates, to report within one week after the close of each month, the number of trips made by their teams, and the distance traveled each trip, and the kind of vehicle, and number of horses attached thereto, to the keeper of the nearest toll gate to the residence or principal place of business of such person, which statement shall be under oath or affirmation; and any person neglecting or refusing to make such report within the time prescribed, or within one week thereafter to pay the amount of toll by him or her due for such travel or hauling, shall be subject to pay a fine of ten dollars, to be recovered before any justice of the peace of the proper county, on complaint of the resident engineer of said road; and shall be moreover liable for the full amount of said toll: provided, that persons who have not traveled or hauled with team or teams as much as twenty miles over said road, during any one month, shall not be required to report or pay toll for such travel over said road, nor shall any person through or along the line of whose land said road passes be required to pay toll for traveling or hauling thereon from one portion to another of his said lands.

Penalty for
neglect to re-
port.

Limit of
travel.

SEC. 3. This act to take effect and be in force from and after its passage.

J. B. COCKERILL,

Speaker pro tem. of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Passed April 12, 1870.

AN ACT

To amend an act entitled "an act to regulate the election of state and county officers," passed May 3, 1852. (S. & C., 532.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two and section six, as amended March 11, 1853, as amended April 3, 1862, section seven, as amended April 2, 1859, and section eight, of said above entitled act, be, and the same are hereby, so amended, severally, as to read as follows:

Section 2. That each township in this state, exclusive of the territory embraced within the limits of any city or village divided into wards, shall compose one election precinct, unless such township alone, or with other territory, be divided according to law, into more precincts than one; and each ward of every such city or village shall also compose one election precinct. Elections shall be held for every township precinct, at such place within the township as the trustees thereof shall designate; and for each ward precinct, at such place therein as the council of the proper city or village shall designate; and at all elections named in this act, qualified electors shall vote at the polls of the precinct in which they shall have a legal residence at the time.

Each township or ward to be one election precinct, except, &c.

Section 6. That the judges of election, for every election precinct, at all elections holden under this act, or the acts amendatory thereof, or supplementary thereto, shall be chosen and constituted as follows, to wit:

Judges of election, how chosen, &c.

First—In every township, and for the township election precinct therein, said judges shall consist of the two electors, receiving, hereafter, at any general April election, the highest number of votes for the office of trustee of such township, and the elector receiving thereat the highest number of votes for said office of those not elected thereto: provided, if, of those elected township trustees, at any election, two have an equal, but not the highest, or, if the three have the same, or, if of those not so elected, two or more have the highest and an equal number of votes for said office, then, in every such event, the township clerk shall, without delay, publicly determine, by lot, which of said two, or which two of said three so elected, or which one of those not elected but receiving votes as aforesaid (as the case or cases may require), shall be judge or judges of election. If any township comprise more such precincts than one, the trustee thereof not chosen as aforesaid, shall be one of the judges of election for one such precinct, whereof the other two, as well as the judges of election for any additional township precinct, situate wholly or partly in such township, shall be chosen in the manner provided in section seven of this act. The clerk of every township shall make and preserve a record of the names of all persons, with the proper dates, chosen judges of election as aforesaid in such township.

Judges in
wards of cit-
ies or vil-
lages.

Second—Said judges of election for each ward of any city, or village divided into wards, shall consist of the two councilmen of such ward, and the elector receiving, at the preceding April election therein, the highest number of votes for the office of councilman of those not elected thereto: provided, if two or more electors not elected to said office, have the highest and an equal number of votes therefor, then it shall be the duty of the city or village clerk, as the case may be, on opening the returns from such ward, to determine, by lot, which of such electors shall be judge of election for the same, a record whereof he shall make in his minutes; and said clerk shall issue a certificate of election, as in other cases, to the person in each ward so chosen. Judges of election chosen as aforesaid, shall serve as such during one year, and until their successors are chosen and qualified as herein provided; and each, before entering upon his duties, shall take an oath (or affirmation) such as is prescribed in the following section.

Filling of va-
cancies, oath,
etc.

Section 7. That if either of the judges of election, or clerk of any township, shall fail to attend at the time and place of holding elections, or if either of them shall be a candidate for state or county office, then it shall be the duty of electors present to choose, viva voce, suitable persons, (as the case may require), having the qualifications of electors, to act as judges or clerks, (as the case may be), of election; and previous to any votes being received, such judge or clerk, or any judge or clerk not being already duly sworn, and qualified according to law, shall take an oath or affirmation, which may be administered by any trustee or clerk of a township, or councilman, or other person authorized to administer oaths, in the following form: "You, A. B., do solemnly swear (or affirm) that you will perform the duties of judge or clerk of election, (as the case may be), according to law and the best of your abilities; and that you will studiously endeavor to prevent fraud, deceit or abuse in conducting the same."

Penalty for
refusing to
serve.

Section 8. That if any person so elected judge of election shall refuse to qualify as such, or if any judge of election or clerk shall refuse to discharge the duties imposed by law, or if those chosen to act in their stead shall refuse to act, the person so offending shall forfeit and pay a sum not exceeding twenty dollars, for the use of the county, to be recovered with costs in the name of such county, before any justice of the peace of the proper township.

Repeal.

SEC. 2. That said sections 2, 6, 7 and 8, also the first clause of section 1, of the above entitled act, passed May 3, 1852, as amended April 3, 1862, (S. & S., 331,) and the act entitled "an act supplementary to an act to regulate the election of state and county officers," passed March 30, 1868, (S. & S., 331,) be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force on and after its passage: provided, the electors, who, according to the returns would have been selected judges of election, had this act been in force on the 4th day of April, 1870, shall be judges of election, and shall qualify as such, as if the same

had been then in force; and said township and town clerks respectively, shall forthwith determine from such returns who such electors are, and notify them of their selection, a record whereof they shall make in their minutes.

J. R. COCKERILL,

Pro tem. Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Passed April 12, 1870.

AN ACT

To authorize the board of public works to lower three or more culverts along the National Road in Madison county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works are hereby authorized and directed to lower three or more culverts along the National Road in Madison county, to such a depth as the agricultural interests of the locality require, and giving preference to such of the culverts as are most seriously damaging to the agricultural interests of the county.

Culverts to be lowered in Madison county.

Sec. 2. Said board of public works are authorized to let the whole or any part of said work by contract, to the lowest responsible bidder, or to cause the same to be done under the supervision of some judicious and competent superintendent, as they may deem best for the interests of the state.

How work shall be done.

Sec. 3. To enable the board of public works to carry into effect the provisions of this act, a sum of money, not exceeding five hundred dollars, is hereby appropriated, to be drawn from the canal fund, on the certificate of said board.

Appropriation therefor.

Sec. 4. This act to be in force on and after its passage.

J. R. COCKERILL,

Pro tem. Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Passed April 12, 1870.

AN ACT

Supplementary and amendatory to an act for the better regulation of the public schools in cities, towns, &c., passed February 21, 1849.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That at every election held under the act for the better regulation of public schools in cities and towns, passed February 21, 1849, a poll book shall be kept, and the

Poll book, and election, &c.

notice of every such election shall specify the time, place, and continuance of the election; which continuance shall not be less than three hours, and that the day of the annual election may be determined by the respective boards.

SEC. 2. This act to take effect and be in force from and after its passage.

J. R. COCKERILL,

Pro tem. Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Passed April 12, 1870.

AN ACT

To repeal an act entitled "an act supplementary to the act entitled an act to preserve the purity of elections," passed March 20, 1841; passed May 6, 1869. (O. L., 1869, vol. 66, page 119.)

Repeal.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act passed May 6, 1869, entitled "an act supplementary to the act entitled an act to preserve the purity of elections," passed March 20, 1841, be and the same is hereby repealed.

SEC. 2. This act to take effect from and after its passage.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Passed April 14, 1870.

AN ACT

To repeal an act passed April 16, 1868, entitled "an act supplementary to the act entitled 'an act to preserve the purity of elections,' passed March 20, 1841, and to protect the judges of elections in the discharge of their duties." (O. L., 1868, p. 97.)

Repeal

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act passed April 16, 1868, entitled "an act supplementary to the act entitled 'an act to preserve the purity of elections,' passed March 20, 1841, and to protect the judges of elections in the discharge of their duties," be and the same is hereby repealed.

SEC. 2. This act to take effect from and after its passage.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Passed April 14, 1870.

AN ACT

Supplemental and amendatory to the act to preserve the purity of elections, passed March 20, 1841, (S. & C. page 548.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any judge or clerk of any election under the laws of this state, or any other person or persons who shall at any time willfully, knowingly, and with fraudulent intent, inscribe, write, or cause to be inscribed or written, in or upon any poll-book, tally sheet, tally list, in or upon any book or paper purporting to be such, or upon any election returns under the laws of this state, or upon any book or paper containing the same, the name or names of any person or persons not entitled to vote at any such election, or not voting thereat, or any fictitious name with intent to defeat, hinder or prevent a fair expression of the will of the people at such election, shall, upon conviction thereof, be imprisoned in the penitentiary, and kept at hard labor, not more than three years nor less than one year.

Penalty for fraud in relation to poll-books, ballots, &c.

SEC. 2. Any person or persons who shall, at any time, have in his or their possession any falsely made, altered, forged, or counterfeited poll-book, tally sheet, tally list, or election returns of any election under the laws of this state, knowing the same to be falsely made, altered, forged or counterfeited, with intent to hinder, defeat, or prevent a fair expression of the popular will at any such election, shall, upon conviction thereof, be imprisoned in the penitentiary, and kept at hard labor, not more than three years nor less than one year.

Penalty for possession of same.

SEC. 3. That sections 19, 20 and 21 of the above recited act be amended so as to read as follows:

Section 19. It shall be the duty of the judges of the election, or one or more of them, in the presence of and under the direction and supervision of the others, immediately before proclamation is made of the opening of the polls, to open the ballot boxes in the presence of the people there assembled, extending at the same time, to such as may desire it, the privilege of examining the same in the presence of said judges, and turn said ballot boxes upside down, so as to empty them of any thing that may be in them, and then lock them, all of which shall be done in the presence of and in full view of the people so assembled as aforesaid, and said ballot boxes shall not be re-opened until for the purpose of counting the ballots therein at the close of the polls.

Ballot boxes to be opened, &c., in presence of spectators.

Section 20. Any person or persons who shall, either before or after proclamation is made of the opening of the polls, fraudulently put a ballot or ticket into the ballot box, shall, on conviction thereof, be imprisoned in the penitentiary, and kept at hard labor, not more than three years nor less than one year.

Penalty for fraudulent voting.

Penalty for
fraudulent
deposit of
ballot.

Section 21. Any judge or judges of the election who shall, after proclamation made of the opening of the polls, put a ballot or ticket into the ballot box, except his or their own ballot or ticket, or such as may be received in the regular discharge of his or their duties as such judge or judges, or who shall knowingly permit any ballot or ticket, fraudulently placed or deposited in such ballot box by any other person or persons, to remain therein or be counted with the legal votes cast at such election, shall, upon conviction thereof, be imprisoned in the penitentiary, and kept at hard labor, not more than three years nor less than one year.

SEC. 4. Sections 19, 20 and 21 of the above entitled act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 14, 1870.

AN ACT

To authorize county commissioners and councils of incorporated villages to contract for the delivery of material for the construction of roads and the improvement of streets in certain cases.

Commission
ers, &c., may
contract for
delivery of
materials,
&c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any case where county commissioners, in contracting for the construction of turnpike roads, under any of the laws now in force, shall find it necessary, by reason of the inconvenient location of the gravel or stone for the construction or repair of such roads, to have the gravel or stone transported to convenient points, by rail, they are hereby authorized to make such contract for transportation, at public sale, as will best subserve the public interest. The cost of such material, and the transportation of the same, shall be paid from the county treasury, by order of the commissioners, from any funds applicable to the construction of said roads, and the same shall be taken into the estimate of any contract price, at the time of the sale of said roads: provided that any contracts heretofore entered into, for the purpose above named, and remaining uncompleted, shall be held to fall within the provisions of this act.

The same as
to villages.

SEC. 2. That councils of incorporated villages, where material for graveling and macadamizing the streets will have to be transported by rail, shall have like power with county commissioners in case of turnpike roads.

SEC. 3. This act shall take effect from its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 14, 1870.

AN ACT

To extend the time for the completion of unfinished railroads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases in which any railroad company heretofore incorporated has been duly organized under any law of this state, and has commenced in good faith the construction of any portion of its railroad, and has made expenditures thereon, and the act incorporating said company, or any law of this state, requires the completion, sufficient for use, of said railroad, or any part thereof, within any limited period after the passage of the act incorporating such company, or after the organization thereof, and such company has not so completed said railroad or such specified part thereof within said limited period, and such period has not expired, or has been temporarily extended by order of any court of competent authority or by act of the legislature of the state of Ohio, it shall be lawful for said railroad company to proceed in the construction of said railroad or such part thereof, and complete the same at any time within five years from and after the expiration of the time limited by the laws in relation thereto: provided, however, that the provisions of this act shall not apply to any railroad company that has completed and operated any portion of its road under its original or amended charter, and has for ten years previous to the passage of this act, abandoned or suspended work upon the remaining portion of its line of road.

Time for completing roads extended.

SEC. 2. This act shall take effect from its passage.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Passed April 14, 1870.

AN ACT

To Establish "Ohio Soldiers' and Sailors' Orphans' Homes."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor of the state shall, immediately upon the passage of this act, appoint, by and with the advice and consent of the senate, seven citizens, who shall constitute the board of managers of the Ohio Soldiers' and Sailors' Orphans' Homes, whose term of office shall be for five years, and until their successors are appointed and qualified, except those first appointed, one of whom shall hold his office for one year, one for two years, one for three years, two for four years, and two for five years, commencing

Governor to appoint board of managers.

from the date of confirmation, the length of the term of service of each to be designated in his appointment. Whenever a vacancy shall occur in said board by death, resignation or removal, the same shall be filled by appointment by the governor, and the person so appointed shall serve to the end of the unexpired term, subject to the approval of the senate.

Organization
of board.

SEC. 2. The first meeting of the board shall be ordered by the governor, and thereafter shall be fixed by the members thereof. Before entering upon the discharge of their duties, the members of said board shall take and subscribe an oath of office, which shall be entered upon their journal proceedings. In all meetings of the board a majority of the members shall constitute a quorum. The board shall organize by electing one of their members president, and a secretary, and also a treasurer, for each of said homes, who may or may not be members thereof; and said officers shall serve for one year, or until their successors are elected and qualified.

Treasurers'
bond.

SEC. 3. The treasurers, before entering upon the discharge of the duties of their office, shall give bond to the state of Ohio in the sum of fifty thousand dollars each, with good and sufficient sureties, to be approved by the governor, and deposited with the treasurer of state, conditioned for the faithful discharge of their duties as treasurers of said board, and that they will properly account for and pay over all moneys that may come into their hands by virtue of said office.

Reform and
Industrial
School for
Girls to be
appropri-
ated, &c.

SEC. 4. That the Reform and Industrial School for Girls, now located and established at White Sulphur Springs, in Delaware county, in this state, together with all the real and personal estate and property thereon belonging to the state, except such as belongs to or is necessary for said school, shall, on the passage of this act, be transferred to this board of managers, whenever they shall be appointed and qualified as hereinbefore provided; that said premises, after such transfer, be known, used and occupied as an Ohio Soldiers' and Sailors' Orphans' Home; provided, that so much of said farm at White Sulphur Springs, not exceeding five acres, adjoining and on which the building known as the Burnet House is situated, shall be retained by the trustees of the said Industrial and Reform School for Girls, for the use of said school, until other provisions can be made for them by the state. The managers herein provided for shall have authority to make such necessary and needful repairs and alterations in the buildings on said farm as shall be required for the purpose of such home, and to procure such furniture and equipments as shall be necessary for the proper establishing and opening of said home thereon; but in no case shall the costs and expenses of such changes, repairs, alterations, furniture and equipments exceed, during the first year of said home, at said Springs, the sum of thirteen thousand dollars. Whenever the said managers shall ascertain that the capacity of the home, as herein located, shall be insufficient to accommodate, comfortably and well, all of the chil-

dren as contemplated by this act, in said institution, they shall be authorized and empowered to accept and receive, by donation or bequest, a suitable tract of land, not less in any case than one hundred acres, at a convenient and accessible point, with the necessary buildings and equipments thereon for the accommodation of not less than 250 orphans, and with power and authority to open and establish upon said premises a home or homes for Ohio soldiers' and sailors' orphans intended to be provided for by this act, as soon as said tract of land, with its appurtenances and the property thereon, shall by good and sufficient deed in fee simple, without any incumbrance or condition other than that the same shall be used by the state for that or some other eleemosynary purpose, be conveyed to the state of Ohio, and the title to which shall have been examined and approved by the attorney general.

SEC. 5. The board shall have power to make all contracts, in its own name, for all purposes incident to such homes; and shall, in its own name, have authority to bring actions for the recovery of all liabilities that may accrue to it; and shall receive and hold in trust for the use of said homes any and all contributions, gifts and bequests made therefor, and the title to all property so received shall vest in the state.

Powers of
board of
managers.

SEC. 6. There shall be received into said homes the children residing in Ohio, of deceased, indigent and permanently disabled soldiers and sailors, who served in the land and naval service of the United States, during the late rebellion, that are by said board ascertained to be destitute of the means of support and education; and they shall be furnished a support and education at said homes, for such length of time as said board may determine, not beyond the age of sixteen years; provided, that other indigent orphan children, resident of this state, and under the age of fifteen years, may, at the discretion of the board of managers, be received into said homes, and there supported and educated as the other children hereinafore mentioned, if there be room in said home or homes more than sufficient for such children first above mentioned as may be received therein.

Who entitled
to benefits of
homes.

SEC. 7. The board of managers shall make such rules and regulations for receiving into and discharging from said homes the inmates thereof as shall not conflict with the provisions of this or any other law of this state. They shall also make all the needful rules and regulations for the government of the homes, and shall have authority to employ a superintendent and matron for each of said homes, and such teachers and other assistants as they may deem necessary for the education of the inmates and the proper management of such homes, and fix the salaries and compensation of the same; and they may at any time dismiss any officer or employe thereof; provided, however, the salary of the superintendent shall in no case exceed the sum of one thousand dollars, and that of the matron four hundred dollars, each, per annum. Nor shall any officer or employe of said board receive a greater compensation for services than one thousand dollars per annum.

Rules and
regulations.

Accounts and
annual re-
port of board.

SEC. 8. The board shall cause to be kept a full and accurate account of all receipts and disbursements appertaining to said homes, specifying from what sources the receipts may have come, and for what purposes disbursements have been made. They shall also make to the governor, on or before the fifteenth day of November of each year, a detailed statement of all their transactions, including the sums paid as salaries and as compensation to officers and employes, with the names of said officers and employes, and the amount paid to each; which report shall by the governor be transmitted to the legislature at the next session thereof.

No compen-
sation, but
expenses.

SEC. 9. Said board of managers shall not receive any compensation for their services, but shall be paid their necessary expenses incurred in attending the meetings thereof, which said sum shall be paid by the state treasurer on the order of the auditor of state; the bills for the same having been properly audited and certified to by the president and secretary of the board.

Funds, how
drawn and
appropri-
ated.

SEC. 10. The auditor of state is hereby required to draw his warrant in favor of the treasurer of said board upon the treasurer of state, for any money appropriated for the changes, repairs and alterations of buildings, and other purposes, in the establishment and maintenance of said homes, the same to be done upon the estimate of said board attested by the president and secretary; provided, the aggregate amount to be drawn for establishing and equipping such homes shall not exceed, during the ensuing year, thirteen thousand dollars; and provided also, that the sum to be drawn for the carrying out of such homes shall not exceed the rate of one hundred and fifty dollars per annum for each inmate to the number of one hundred, and one hundred and twenty-five dollars per annum for each inmate in excess of one hundred; the number of inmates therein to be certified to the auditor of state by the president, secretary and superintendent; provided further, that the directors or managers of such childrens' homes, or other associations, as may now exist, or hereafter be organized and conducted pursuant to law, not including any county infirmary in any county or city, for the care and maintenance of indigent orphans, shall be paid annually by the treasurer of state, on the warrant of the auditor of state, for the support of the said orphans of soldiers and sailors who served in the Union army, in their charge, the same amount per capita that it may cost the state per capita to maintain the orphans kept at the said Ohio Soldiers' and Sailors' Orphans' Home, including all expenses except the original cost of lands and buildings, and the repairs thereof; provided, the amount so drawn shall in no case exceed the sum of one hundred and fifty dollars per annum per capita.

Limitation of
appropria-
tions to be
regarded.

SEC. 11. The board, in devising plans for erecting buildings, fitting grounds, and otherwise preparing and equipping said homes, shall have careful reference to the limitations of appropriations hereinbefore made.

SEC. 12. This act to be in force from the date of its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.

SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 14, 1870.

AN ACT

Amendatory to an act to amend the act entitled "an act supplementary to the act entitled 'an act to provide for the creation and regulation of incorporated companies in the state of Ohio,' passed May 1, 1852," passed April 8, 1856. (S. & S., 169.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the first section of the above recited act shall be so amended as to read as follows: Section 1. That any number of persons, not less than three, may associate themselves together, as provided in the sixty third, sixty-fourth and sixty-fifth sections of the act entitled an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1, 1852, for the purpose of constructing and maintaining a canal or canals for hydraulic purposes, with the necessary culverts, water ways and fixtures; building and repairing steamboats, and other water craft; erecting and maintaining tanks for the storage of oil; building and operating dry docks and marine railways; printing and publishing a newspaper or newspapers, or books, or other publications; quarrying stone, marble or slate; boring or digging for oil, salt, or for other vegetable, medicinal or mineral fluid in the earth, and for refining or purifying the same; mining coal, ores and other minerals, or manufacturing the same, in whole or in part, or both; and carrying on business usually connected with the main objects of the corporations aforesaid; and when organized, shall be a body corporate, having all the privileges, immunities and powers conferred upon manufacturing companies by said act, and shall be governed in all respects by the provisions of said act, and the acts supplementary and amendatory thereto.

Incorporations for certain purposes authorized.

SEC. 2. That the first section of the act hereby amended, be and the same is hereby repealed.

Repeal.

SEC. 3. This act to be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.

SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 14, 1870.

AN ACT

Supplementary to "an act for the reorganization, supervision and maintenance of common schools," passed March 14th, 1853. (S. & C. 1346.)

Schools authorized in county infirmaries,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the directors of each county infirmery in this state, are hereby authorized and empowered, if they shall deem the same advisable, to organize therein a school for the benefit of the children of school age, inmates of such infirmery, and said directors may employ a teacher for said children, having a certificate of qualification as provided by law; and after such directors may have organized such school and during the continuance thereof, they shall annually, between the first and third Mondays of September, make and return to the auditor of the proper county, an enumeration of said children, who, when so enumerated and returned, shall not be included in the enumeration of the youth of the district in which said infirmery may be situate.

Duties of directors in relation thereto.

SEC. 2. The said directors shall have power, and it shall be their duty, to purchase and provide all books, stationery, and other appliances, necessary to the conduct of such school, and shall give certificates for the amount due therefor, and for the amounts which may be due to any teacher employed by them, and for any other necessary expenditures about such school; and on presentation of any such certificate to the auditor of the proper county, he shall give an order to the proper party for the amount thereof, on the county treasurer, payable out of the poor fund of the county, which shall be paid by the treasurer out of said fund; provided, that before the said auditor shall deliver to any such teacher an order on account of services as such, such teacher shall file with said auditor the report required by section eighteen of the act to which this is supplementary, and shall exhibit to said auditor his or her certificate aforesaid from the board of school examiners, and shall file with said auditor a copy thereof; and all such certificates of said directors and copies of teachers' certificates shall be filed by said auditor as other vouchers relating to the accounts of the infirmery directors.

Provision for funds therefor.

SEC. 3. The auditors of the several counties in the infirmaries of which schools shall have been established pursuant to this act, shall transfer the common school funds from all sources due to the children of said infirmery, as their proportion of the school fund, to the poor fund of the county; provided, that nothing herein shall deprive youth who are inmates of an infirmery, in which a school shall not have been established pursuant to this act, of the right to attend the common school of the district or sub-district in which such infirmery may be situate, nor deprive any district or sub-district of the common school funds apportionable to the youth who may be inmates of an infirmery situate therein in which such school shall not have been established pursuant to this act.

SEC. 4. This act shall be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.

SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 15, 1870.

AN ACT

Making appropriations for the year 1870 and the first quarter of 1871.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums, in addition to former appropriations, applied to the same purposes herein expressed, be and the same are hereby appropriated out of any moneys belonging to the general revenue fund, to be paid out of the treasury according to law.

AGRICULTURE.

For the encouragement and improvement of the agricultural interests of the state, to be expended as the State Board of Agriculture may deem most conducive to that end, and to be paid to the president of said board, one thousand dollars.

Encouragement of agriculture.

To the Ohio Horticultural Society, to be paid to the president thereof, five hundred dollars.

Horticultural society.

For the contingent expenses of the office of the State Board of Agriculture, five hundred dollars.

Expenses of board.

ARSENAL.

To pay for labor at the State Arsenal, including tools, fuel and materials, to be expended under the direction of the person or persons who, by law, have charge of the same, eleven hundred dollars.

Arsenal.

BENEVOLENT INSTITUTIONS.

CENTRAL OHIO LUNATIC ASYLUM.

To pay the salary of the superintendent of the Central Lunatic Asylum, nine hundred dollars. For the salary of the matron, four hundred dollars.

Salaries.

For current expenses, three thousand dollars, out of the balance on hand, and the remainder of said balance is hereby returned to the treasury. The steward of said asylum is hereby required to pay into the state treasury the balance in his hands of moneys received for supplies sold, as appears by his report (page 21) of annual report of Central Lunatic Asylum for 1869.

Expenses.

For work on the new building for said asylum, in addition to former appropriations, and to be expended under and in

Work on new building.

accordance with the provisions of the laws now in force upon that subject, one hundred and fifty thousand dollars.

A. D. Heffner's claim. To pay A. D. Heffner for land purchased of him for use of said asylum, in accordance with a joint resolution passed May 7, 1869, (O. L., 66, p. 429), fifteen thousand dollars.

NORTHERN OHIO LUNATIC ASYLUM.

Salaries. To pay the salaries of the superintendent, assistant physicians, steward and matron of the Northern Lunatic Asylum, thirty-six hundred dollars.

Moral instructor. To pay moral instructor and for books and pictures, four hundred dollars.

Expenses. For provisions and necessary current expenses and repairs, sixty-one thousand dollars.

Purchase of land. To purchase land adjoining said asylum grounds, sixteen thousand eight hundred dollars: provided, that after an accurate survey of said land, the amount paid per acre shall not exceed three hundred dollars.

Repairs, &c. To provide new floors in said asylum, five hundred dollars, and for painting, fencing and repairs, including improvements in ventilation, three thousand five hundred dollars.

Water. To provide means of furnishing an adequate supply of water to said asylum, the sum of seven thousand five hundred dollars.

Building additions. For building additions to the Northern Ohio Lunatic Asylum, completing the same according to the original plan, with such changes as the trustees are hereby authorized to make for greater convenience and better comfort of the patients, without adding to the expense, except so far as may be necessary to make the same fire-proof, which they are hereby authorized and required to do, the work to be contracted for and carried on under the provisions of the laws now in force upon that subject, the expense in the aggregate, when completed, not to exceed one hundred and fifty thousand dollars, the sum of fifty thousand dollars.

SOUTHERN OHIO LUNATIC ASYLUM.

Salaries. To pay the salaries of the superintendent, assistant physicians, steward and matron of the Southern Lunatic Asylum, thirty-five hundred dollars.

Moral instructor. To pay moral instructor and for books and pictures, four hundred dollars.

Expenses. For provisions and necessary current expenses and repairs, seventy-nine thousand dollars.

LONGVIEW ASYLUM.

General purposes. For the Longview Asylum, a sum to be computed and ascertained by the auditor of state, agreeably to the laws provided for the constitution of Hamilton county into a separate district for lunatic asylum purposes, and for the erection and government of an asylum therein, and the sum hereby appropriated shall be paid upon like vouchers as in case of the current expenses of the other lunatic asylums.

Support of patients from central district. To pay the proper officers of the Longview Asylum for the support of such patients as are received from the central district, in accordance with joint resolution of the general assem-

bly, adopted November 25, 1868, subject to conditions of agreement made with the governor, and to be paid on vouchers approved by him, eight thousand dollars.

NEW LUNATIC ASYLUM AT ATHENS.

To continue the work on the New Asylum for Lunatics at Athens, in addition to unexpended balances of former appropriations, and to be expended in accordance with the laws now in force on that subject, fifty thousand dollars.

Continuance of work.

DEAF AND DUMB ASYLUM.

To pay the salaries of the superintendent, steward, matrons, physician and teachers of the Asylum for the Deaf and Dumb, seventeen thousand five hundred dollars.

Salaries.

For the purchase of provisions, and other necessary current expenses and repairs of said asylum, fifty-six thousand dollars.

Expenses.

For the printing and binding department of said asylum, fifteen hundred dollars.

Printing.

ASYLUM FOR THE BLIND.

To pay the salaries of the superintendent, steward, matrons, physician and teachers of the Asylum for the Blind, seven thousand dollars.

Salaries.

For the purchase of provisions and to pay other necessary current expenses and repairs, eighteen thousand dollars.

Expenses.

To continue work on the new building, in addition to balances of former appropriations for the same purpose, and to be expended under the provisions of the laws now in force upon that subject, seventy-five thousand dollars.

Work on new building.

ASYLUM FOR IDIOTS.

To pay the salaries of the superintendent, matrons and teachers of the Asylum for Idiots, four thousand dollars.

Salaries.

For the purchase of provisions, and for the necessary current expenses and repairs, thirty-five thousand dollars.

Expenses.

For completion of attics, and fencing, grading and laying out grounds, two thousand dollars.

Fencing, grading, &c.

To reimburse the Chapman Fund, and use in accordance with report of trustees in 1869, four thousand dollars, payable to order of the trustees of the asylum. The trustees of said asylum are hereby authorized to purchase for the use of said asylum, a strip of land lying upon the south line of land belonging to the state, opposite to, and along side of, the buildings erected thereon, and pay for the same out of the fund received from paying pupils in the years 1870 and 1871.

Chapman fund.

TRUSTEES.

To pay the expenses of the trustees of the benevolent institutions, including the expenses of the board of State Charities, three thousand dollars, of which amount there may be paid for the salary of the secretary of the State Board of Charities, a sum not exceeding one hundred and twenty-five dollars per month for the time employed.

Expenses of trustees.

CLAIMS, MILITARY.

Military claims. To pay claims allowed, or which may be allowed, under the various acts to establish a board of military claims, and subject to all the provisions and requirements of said acts, and other acts that may be passed in relation to claims of a similar character, twenty thousand dollars.

CONTINGENT EXPENSES OF GOVERNOR AND OTHER OFFICERS.

Governor. For the governor's contingent expenses, three thousand five hundred dollars.

Auditor. For the contingent expenses of the auditor of state, nineteen hundred dollars.

Treasurer. For the contingent expenses of the treasurer of state, thirteen hundred dollars.

Secretary. For the contingent expenses of the secretary of state, fifteen hundred dollars.

Comptroller. For the contingent expenses of the comptroller of the treasury, one thousand dollars.

School Commissioner. For the contingent and traveling expenses of the commissioner of common schools, fifteen hundred dollars.

Railroad Commissioner. For the contingent expenses of office of commissioner of railroads and telegraphs, seven hundred dollars.

State Library. For the contingent expenses of the state librarian, including messenger, seven hundred dollars.

Supreme Court. For the contingent expenses of the supreme court, including per diem of messenger, seven hundred dollars.

Clerk thereof. For the contingent expenses of clerk of supreme court, two hundred and fifty dollars.

Attorney general. For the contingent expenses of attorney general, two hundred dollars. The attorney general is authorized to use such amount of this fund as may be necessary, not exceeding two hundred dollars, in painting the walls of his office in the state house: provided, that each of the officers for which appropriation for contingent expenses has been made, shall make out and report an itemized account showing how and for what the said appropriation has been expended.

Contingent expenses to be reported in detail.

GEOLOGICAL SURVEY.

Continuing survey. For continuing the geological survey of Ohio, in addition to balances of former appropriations for the same purpose:

Salaries. For salary of chief geologist, and for salaries of assistant geologists, not exceeding three in number, five thousand nine hundred and fifty dollars.

Contingents. For contingent expenses of survey, including traveling expenses of the geological corps, purchase of chemicals and hire of local assistants, eleven thousand three hundred dollars, fifteen hundred dollars of which is hereby specially appropriated for the purchase of chemicals and apparatus aforesaid.

LEGISLATURE.

Members and officers. To pay members of the general assembly, their clerks, assistant clerks, sergeants-at-arms, assistant sergeants-at-arms and messengers, under resolutions of the senate and house, and the laws, twenty thousand dollars.

For the contingent expenses of the general assembly, to be paid on vouchers approved by the president of the senate and speaker of the house, respectively, eight hundred dollars.

Contingent expenses.

For the expenses of the standing and select committees of both branches of the general assembly, five hundred dollars.

Committees.

LIBRARIES.

To purchase books, magazines and newspapers for the state library, two thousand dollars.

State library.

To purchase books for the law library for the supreme court, under the direction of the chief justice, three hundred dollars.

Law library.

To purchase for the use of the state library, the correspondence, messages, documents and manuscripts generally of Arthur St. Clair, governor of the north west territory for fourteen years, from 1788 to 1802, to be expended at the discretion of the governor and state librarian, a sum sufficient for that purpose, not exceeding two thousand dollars.

St. Clair papers.

NIGHT WATCH IN THE TREASURY.

To pay the night watch at the state house, to be employed by the treasurer of state, and who shall serve as night [watch] of the state house generally, eight hundred dollars.

Night watch. 1

OHIO PENITENTIARY.

To pay the salaries of warden and other officers and guards, and the per diem and expenses of the directors of the Ohio Penitentiary, as provided by law, fifty-two thousand three hundred dollars.

Salaries.

For provisions and current expenses, including ordinary repairs, seventy-three thousand dollars.

Expenses.

For hospital and chapel, ten thousand dollars.

Hospital.

For corn mill, wash-house, roofing penitentiary, and building new walls, fifteen thousand dollars.

Sundries.

For library and school books and magazines, one thousand dollars, three hundred dollars of the same to be invested in magazines of the current literature of the day, and not published under the auspices of any religious denomination.

Library, &c..

To pay costs of prosecution and transportation of convicts to the Ohio Penitentiary, thirty-five thousand dollars.

Transportation &c., of convicts

REFORM FARM SCHOOL FOR BOYS.

To pay the salaries of the acting commissioner, matron, teachers and other officers and employes of the Ohio Reform Farm School for boys, eleven thousand dollars.

Salaries.

For the current expenses of maintaining and educating the youth committed and admitted to said school, thirty thousand dollars.

Expenses.

For two new family buildings and furnishing the same, in addition to unexpended balances of former appropriations for this purpose, to be expended under the laws in force upon this subject, sixteen thousand dollars.

New Buildings.

For one shop building, and machinery, in addition to former appropriations for this purpose, to be expended as above, ten thousand dollars.

For addition to bake house, and removing old buildings, one thousand dollars.

REFORM SCHOOL FOR GIRLS.

Salaries.	To pay the salaries of the superintendent and other officers, and teachers of the Reform and Industrial School for girls, twenty-five hundred dollars.
Expenses.	To pay current expenses for maintaining and educating the youth committed and admitted to the said school, and including necessary repairs, improvement of heating apparatus, and other improvements, ten thousand dollars.

SALARIES OF STATE OFFICERS AND CLERKS.

State Officers.	To pay the salaries of governor, lieutenant governor, auditor of state, treasurer of state, secretary of state, comptroller of the treasury, state commissioner of common schools, attorney general, clerk of the supreme court, private secretary of the governor, commissioner of railroads and telegraphs, state librarian, law librarian, supervisor of public printing, and superintendent of the state house, twenty-nine thousand six hundred dollars.
Judges.	To pay the salaries of the judges of the supreme court, the courts of common pleas, and superior courts, one hundred and thirty-one thousand dollars.
Auditor's clerks.	To pay the clerks in the office of auditor of state, eleven thousand eight hundred dollars.
Treasurer's clerks.	To pay clerks in the office of treasurer of state, five thousand two hundred dollars.
Secretary's clerks.	To pay clerks in the office of secretary of state, including the necessary services required in carrying out the act in relation to a bureau of statistics, passed April 17, 1868, (65 O. L. p. 92,) twenty-nine hundred dollars. All fees received by law for official services in said office, shall be reported to the auditor of state, and upon his certificate paid into the treasury of state.
Comptroller's clerks.	To pay clerks in the office of comptroller of the treasury, three thousand six hundred dollars.
School commissioner's clerks.	To pay clerks in the office of commissioner of common schools, twenty-one hundred dollars.
Comptroller's clerk's.	There is hereby appropriated two hundred dollars in addition to the clerks' salaries in the office of the comptroller of the treasury, which clerical force shall discharge the duty of clerk of the board of commissioners of military claims.
Railroad Commissioner's.	To pay the clerks in the office of the commissioner of railroads and telegraphs, twelve hundred dollars.
Insurance Department's.	To pay clerks and ordinary expenses in the insurance department, seven thousand seven hundred dollars.
Supreme Court Reporter.	To pay the salary of the reporter of the supreme court, three hundred dollars.
Attorney General's clerk.	To pay one clerk in the office of attorney general, six hundred and seventy-five dollars.
Adjutant General.	To pay the adjutant general, two thousand dollars.
Adjutant General's clerks.	To pay clerks in the office of the adjutant general, including O. M. claim agents and bureau of claims, four thousand four hundred dollars; and it is hereby made the duty of the adjutant general to place the present clerical force in said office

upon the work of completing the "soldiers' record," in addition to their present duties.

To pay one clerk in the executive department, fifteen hundred dollars.

Governor's clerk.

To pay salary and expenses of gas commissioner, out of any money lawfully collected from the gas companies of the state and paid into the state treasury, in accordance with the acts passed April 6, 1866, and March 9, 1869, two thousand five hundred dollars.

Gas commissioner.

STATIONERY, PRINTING AND BINDING.

For stationery and blank books, including printing paper and articles necessary for the general assembly, and public offices in the state house, forty-five thousand dollars.

Stationery.

To pay for printing for the state, twenty thousand dollars.

Printing.

To pay for binding for the state, and the expenses necessary for executing the binding at the deaf and dumb asylum shall be paid upon vouchers certified by the supervisor of public printing and binding, and approved by the superintendent of the asylum, ten thousand three hundred dollars.

Binding.

The expense of publishing the Ohio Agricultural Report for the year 1869, in pursuance of joint resolution passed March 19, 1870, and in pursuance of the act passed March 24, 1860, and the acts supplemental thereto, shall be paid out of the three last appropriations.

Agricultural report.

To pay the ordinary expenses of taking care of the state house and grounds, and preparing the halls for the general assembly, being for pay of laborers employed, (including deficiencies, \$417.26) four thousand five hundred and seventeen dollars and twenty-six cents.

State house expenses.

To pay for fuel for the state house, one thousand dollars.

Fuel.

To pay for gas for lighting the state house, six thousand dollars.

Gas.

To pay for labor and other necessary expenses of the heating apparatus of the state house, two thousand dollars.

Heating apparatus.

For repairs to the engine and boilers, five hundred dollars.

Repairs.

For materials used in care of state house, five hundred dollars.

Materials.

To pay for removing the boilers and engine, with all other fixtures belonging thereto, from under the state house, and placing them under the terrace, on the east side of the building, and for the necessary repairs to the boilers, pumps, engines, steam pipes, radiating pipes, brick work, wrapping steam pipes, and making all necessary connections between the boilers and the present heating apparatus now in the building, four thousand dollars in addition to appropriations already made.

Removing boilers, &c.

MISCELLANEOUS.

To pay for distributing laws, journals and public documents, one thousand dollars.

Distributing laws, &c.

To pay the mileage of county treasurers in settling with the auditor of state, the distance to be computed by the nearest usual routes of travel from the county seats to the seat of government, three thousand seven hundred dollars.

Treasurers' mileage.

Recording surveys.	To pay for recording certain surveys, as provided for by joint resolution adopted May 6th, 1869, (O. L. vol. 66, p. 428) three hundred dollars.
Lewis Huffman.	To pay Lewis Huffman, in pursuance of joint resolution of the general assembly, passed May 7, 1869, and contract entered into with said Huffman by the secretary of state, five hundred dollars.
S. C. Brooks, &c.	To pay S. C. Brooks & Co., and Joseph Hackman, contractors, for building additions to Northern Ohio Lunatic Asylum, for twelve iron columns furnished for said building not required in their original contract, and in accordance with the recommendation of the trustees of said asylum, six hundred and thirty-one dollars and fifty-six cents.
Whitewashing, &c.	For cleaning and whitewashing foundation rooms and avenues of the state house, and for grates, mantels and fixtures, in accordance with house joint resolutions, Nos. 15 and 25, of this session, seven hundred and ninety-nine dollars and sixty cents.
Reports.	To purchase Ohio State Reports, fifteen hundred and seventy-five dollars.
Cases, &c., in court room.	To pay for cases for files in the office of the clerk of the supreme court, two hundred and twenty-five dollars, to be expended under the direction of the clerk of said court.
Repairs, &c., on state house.	To pay for materials furnished, and labor performed, under the direction of the joint committee on public buildings, in repairs of roof, terrace, etc., upon the state house, in pursuance of senate joint resolution No. 19, of this session, the sum of one thousand dollars.
Cone reflectors.	For cone reflectors in the senate and house, one thousand eight hundred dollars.
Painting, &c.	For cleaning and painting chambers of senate and house of representatives, supreme court room and the interior of dome, seven thousand dollars, to be expended under the direction of the governor.
Flags.	To pay for flags, in pursuance of joint resolution of the house and senate, at the present session, one hundred dollars.
SOLDIERS' AND SAILORS' ORPHANS' HOME.	
Furniture, &c.	To purchase furniture, equipments, and make the necessary repairs at the White Sulphur Springs, thirteen thousand dollars.
Salaries.	To pay salaries of superintendent, matron, teachers and other employes, six thousand dollars.
Cows, &c.	To purchase cows, horses and other stock and utensils, one thousand dollars.
Expenses.	For current expenses, sixty-seven thousand five hundred dollars.
Public works salaries.	SEC. 2. To pay the salaries of the members of the board of public works, twenty-four hundred dollars.
Engineers.	To pay the salaries of the resident engineers of the public works, thirty-six hundred dollars.
Clerk.	To pay the salary of the clerk of the board of public works, twelve hundred dollars.
Attorneys' fees, &c.	To pay attorneys' fees and incidental expenses, one thousand dollars.

To pay expenses of special elections, two hundred dollars.

Special election.

To pay damages to William Slough, sustained by the removal of lock No. 13, on the Wabash and Erie canal, in Paulding county, five hundred dollars.

William Slough.

To pay B. F. Coleman and R. S. Coleman, for extra labor and material furnished in guttering and laying pavement on the north and south side of the state house square, one hundred and thirty-three dollars.

B. F. & R. S. Coleman.

Reappropriate any sum which may remain unexpended of the appropriation of \$20,000 made by act of April 30, 1868, for the purpose stated in said act.

Culverts on M. & E. canal.

NATIONAL ROAD.

SEC. 3. For superintendence and repairs on the National Road, for one year from the 15th day of February, 1870, there is hereby appropriated whatever sums may be collected and paid into the state treasury to the credit of the National Road fund during said period of one year, together with the unexpended collections of the year previous, applicable to the same purpose.

Superintendence and repairs.

COMMON SCHOOLS.

SEC. 4. There is hereby appropriated, from any moneys raised or accruing in the state treasury for the support of common schools, or so much as may come into the state treasury for this purpose, to be distributed and paid in the manner provided by law, one million five hundred thousand dollars.

Common schools.

INTEREST AND SINKING FUND.

SEC. 5. There is hereby appropriated from any money in the treasury, by transfer or otherwise, and that may come into the treasury, belonging to the sinking fund, as follows:

To pay interest on the funded (foreign and domestic) debt of the state, five hundred and ninety-one thousand dollars.

Interest on funded debt.

To pay interest on the irreducible debt, or trust funds held by the state, two hundred and six thousand one hundred and seven dollars and twenty-six cents.

On irreducible debt.

To pay upon the principal of the funded (foreign and domestic) debt of the state, as required by the constitution, together with such sum or sums in addition as may come into the treasury applicable to the purpose, the sum of two hundred and eighty-five thousand four hundred and thirty-four dollars.

Principal of funded debt.

SEC. 6. There is hereby appropriated from the canal fund, the sum of sixty dollars and thirty-seven cents, to pay an equal amount of outstanding unrepresented National Road bonds; this appropriation being made, the auditor of state is ordered to balance the books.

National Road bonds.

SEC. 7. The Auditor of State is hereby authorized and required to transfer to the fund for general revenue purposes, all funds now in, or which may hereafter come into the treasury, "for the erection and completion of a building at the city of Columbus, for the care of the insane, to be known as the Central Ohio Lunatic Asylum, and for the erection and completion

Transfer of funds.

of a building, at said city, of an institution for the education of the blind," under the levy of five-tenths of one mill, as provided in the act prescribing the rates of taxation for state purposes for the year 1869, passed May 7, 1869 (O. L. 66, p. 341). Having made such transfers, the auditor is authorized and required to pay all appropriations made for said buildings from said general revenue fund.

SEC. 8. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 SAM'L F. HUNT,
President [pro tem.] of the Senate.

Passed April 16, 1870.

AN ACT

To amend an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 9, 60, 61, 64, 69, 71, 72, 78, 80, 83, 89, 91, 96, 100, 129, 130, 131, 156, 160, 179, 185, 199, 203, 222, 229, 239, 271, 295, 306, 326, 335, 399, 410, 412, 435, 458, 459, 484, 488, 491, 492, 496, 497, 501, 507, 539, 540, 541, 543, 562, 563, 566, 570, 576, 581, 602, 640, 641, 644, 648, 651, 663, and 666 of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869, be and the same are hereby amended so as to read as follows:

Organization of
 incorporated
 villages.

Sec. 9. The inhabitants residing on any territory, a plat of which has been made and recorded, and which is not adjoining any city, may be organized into an incorporated village, or an incorporated village for special purposes, in the following manner:

Officers of cities
 of the second
 class.

Sec. 60. The officers of cities of the second class shall consist of a mayor, treasurer, city commissioner, who shall be superintendent of streets and highways; marshal and solicitor, all of whom shall be elected by the qualified electors of the city; and a clerk, who shall be chosen by the council; provided, that all clerks heretofore chosen or elected shall hold their office until the expiration of the term for which they were chosen or elected. And the council shall have power, whenever deemed expedient, to create by ordinance the office of auditor, civil engineer, fire engineer, and superintendent of markets, and to provide for their election or appointment, and their compensation.

Sec. 61. The officers of cities of the first class shall consist of a mayor, solicitor, treasurer, street commissioner, police judge, prosecuting attorney of the police court, clerk of the police court, all of whom shall be elected; and a civil engineer, a fire engineer, superintendent of the markets, and chief of police, to be appointed by the mayor, with the assent of the council; and the clerk and auditor to be elected by the council; and the council shall have power to provide, by ordinance, for the appointment by the mayor of as many lieutenants of police as may be deemed necessary; provided, that in cities of the first and second class, having a population of less than fifty thousand, embracing a county seat, no election for city treasurer shall be held, but the county treasurer shall, in such cases, act as city treasurer, at a rate of compensation not exceeding five hundred dollars per annum; and, provided further, that all city treasurers now in office shall remain in office, and discharge the duties thereof, until the expiration of the terms for which they respectively may have been elected.

Officers of cities
of the first class

Sec. 64. All appointments of officers of municipal corporations created by law or ordinance, shall be made by the mayor, by and with the advice and consent of the council, and the concurrence of a majority of all the members elected shall be required to confirm any such appointment; and the names of those voting, and for whom they voted, on the vote resulting in an appointment, shall be recorded; provided, that in the case of assistants in the offices of auditor, city clerks, solicitor, treasurer, clerk of police court and city civil engineer, in cities of the first class, the heads of the department shall have power to appoint, subject to the confirmation of the council; provided, nothing herein contained shall in any manner be so construed as to affect or repeal the act of May 6, 1869, entitled "an act to amend section one of an act entitled 'an act to repeal an act entitled an act supplementary to an act entitled an act authorizing the appointment of metropolitan police commissioners in cities of the first class, with a population of less than one hundred thousand inhabitants at the last federal census,' passed April 5, 1866, passed March 29, 1867, (O. L. p. 80) and to provide a police for cities of the second class, passed April 16, 1868."

Appointment of
corporation officers—how made.

Sec. 69. The emoluments of no officer whose election or appointment is required by this act, shall be increased or diminished during the term for which he may have been elected or appointed; nor shall any change of compensation affect any officer whose office shall be created under authority of this act, during his existing term, unless the office be abolished; and no person who shall have resigned or vacated any office shall be eligible to the same, during the time for which he was elected or appointed to serve, when during the same time the emoluments have been increased. No member of council shall be eligible to any other office, or to any position on any board provided for in this chapter, or created by any law or ordinance of council save as provided in chapter 46 of this act.

Emoluments of
officers.

Special elections.

Sec. 71. Special elections of members of the council, or of any officer chosen by the electors, shall be held within twenty days after a vacancy happens, or an elective office is created, unless the regular day for municipal elections shall occur within sixty days after such vacancy, at such time and place as the mayor shall direct, so that ten days' notice of such election be first given.

Council to designate places of election.

Sec. 72. The council of every municipal corporation shall designate the place or places for holding the regular elections; and in all corporations divided into wards, there shall be a place or places in each ward designated for holding elections.

Tie vote to be decided by lot.

Sec. 78. If more than the number of persons to be elected have an equal number of votes for the same office, then the officers whose duty it is to ascertain the persons elected as above provided, shall determine, by lot, which of the persons receiving such equal number of votes, shall be declared elected; and the election of any municipal officer, except a member of the council, may be contested in the manner provided by law for contesting the election of justices of the peace, except in cities of the first class, having a population of one hundred thousand and upwards, where such election may be contested only in the manner provided for the contesting the election of county officers.

Bonds of officers.

Sec. 80. Each officer named in chapter six, shall, before entering upon the duties of his office, execute a bond, to be approved by the council, in such amount as the council shall, by ordinance, prescribe, conditioned for the faithful performance of the duties of his office; which bond (except the bond of the clerk) shall be deposited with the clerk of the corporation, and be by him, with the approval endorsed thereon, filed and preserved in his office, and the bond of the clerk shall be deposited with the mayor. And the council may, from time to time, make such provision, by order or resolution, for recording all such bonds, as they may deem expedient.

Members must be residents, &c.

Sec. 83. The members of the council shall be residents of the corporation from which they shall be elected, and if the corporation be divided into wards or districts, then residents of the wards or districts for which they shall be elected, and when, by reason of any alterations in the boundaries of a ward or district, the residence of a member, whose term of office has not expired, shall be found in a ward or district of a different number than the one for which he was elected, he shall, nevertheless, in such case, be deemed and taken to represent the ward or district which at the time of his election included his residence; provided, that if any ward or district, by annexation or otherwise, shall be entirely absorbed, and its identity destroyed, the office of the alderman, councilmen or trustee thereof shall cease.

Ex-officio members of council.

Sec. 89. The mayor, the city auditor, the city civil engineer and the city solicitor, shall have seats in the council, and be entitled to take part in its proceedings and deliberations on all questions relating to their respective departments,

subject to such rules as the council shall, from time to time, prescribe, but without the right to vote. Said officers may be compelled to attend meetings of the council in the same manner as the members.

Sec. 91. No member of the council or alderman shall receive any compensation for his services, either as councilman, alderman, committeeman or otherwise, except when acting as judge of election, when he shall receive such compensation as is provided by law for a judge of election.

Compensation
of members of
council.

Sec. 96. In all cases in which the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council, or chairman of such committee for the time being, shall have power to administer the requisite oaths; and such council or committee shall have such power to compel the giving of testimony by the attending witnesses as is conferred on courts of justice.

Oaths of wit-
nesses.

Sec. 100. All by-laws, resolutions and ordinances, shall, as soon as may be after their passage, be recorded in a book kept for that purpose, and be authenticated by the signature of the presiding officer and clerk of the council, and all ordinances of a general nature or providing for improvements, shall be published in some newspaper of general circulation in the corporation; if a daily, twice, and if a weekly, once, before going into operation. And no ordinance shall take effect until the expiration of ten days after the first publication of such notice.

Recording and
publishing by-
laws, ordinan-
ces, &c.

Sec. 129. The clerk shall, on or before the third Monday in March of each year, make and enter in the record book of the corporation an account of all the receipts and expenditures of the corporation of the preceding year, stating from what sources the money was received, and for what purposes expended, and showing the exact condition of the several funds of the corporation.

Duties of city
clerk as to re-
cord of receipts
and expendi-
tures.

Sec. 130. He shall cause a condensed statement of such account, which shall be approved and certified to by the mayor, to be posted up at the places of holding elections for officers of the corporation on the first Monday of April, annually; and the clerk shall publish the same in some newspaper published or of general circulation in the corporation at least five days prior to the first Monday of April; and upon the order of the council, the clerk shall at any time furnish to them a detailed statement of all receipts and disbursements, for such period as they may require.

Statement to be
posted.

Sec. 131. He shall, on or before the first Monday in June, in each year, report to the auditor of state the aggregate expenses of such corporation for the preceding year, under the following heads: school, police, streets, bridges, fire department, lights, poor, salaries and interest; and also the amount of the general corporation tax for all the preceding objects, and for any others not enumerated, and the special taxes levied and collected by the corporation for the

Report to state
auditor, &c.

same period; any corporation clerk who shall neglect to make report as above provided, shall forfeit and pay the sum of one hundred dollars, to be recovered before any court having jurisdiction of the subject matter, in the name and for the use of the corporation; provided, that in cities where there are city auditors, they shall perform the duties imposed upon the clerks, in sections 129, 130 and 131.

Duty of ex-officio corporation treasurer.

Sec. 156. In all corporations in which the county treasurer is by law made ex-officio the corporation treasurer, except when under the provisions of section sixty-one of this act he may be appointed city treasurer, such county treasurer, if he has already entered upon the duties of his office, shall continue to act as such corporation treasurer until the expiration of his term of office; all moneys in the hands of such county treasurer, acting ex-officio as corporation treasurer, shall, upon the termination of his office, be transferred to the corporation treasurer.

When tax-payer may institute suit.

Sec. 160. In case the solicitor shall fail, upon the request of any of the tax-payers thereof, to make the application provided for in the preceding section, it shall be lawful for such tax payer to institute a suit in his own name, on behalf of the corporation; provided, that no such suit or proceeding shall be entertained by any court, until such request shall have first been made in writing.

Writ of error to common pleas.

Sec. 179. Any final conviction or sentence of the police court, may be examined into by the court of common pleas on writ of error, which may be allowed by such court or judge thereof, for sufficient cause, and proceedings may be stayed as may be deemed reasonable, and the revising courts shall, in such proceedings, take judicial notice of all ordinances, by-laws or resolutions of the city or village, the judgment of whose mayor or police judge said court may be examining.

Powers of clerk of police court.

Sec. 185. He shall have power to administer oaths, and to appoint two or more deputies, to be approved by the council, who shall receive such reasonable compensation, not exceeding fifteen hundred dollars per annum, as the council shall prescribe. Such clerk is also authorized, in the absence of the judge or mayor, to admit to bail any person or persons who may be under an arrest for any misdemeanor or minor offense, or for the violation of any ordinance, for his, her or their appearance before the judge or mayor, as the case may be, for any period not exceeding twenty-four hours.

General powers of cities and villages.

Sec. 199. All cities and incorporated villages shall have the general powers hereinafter mentioned, and may provide by ordinance for the exercise of the same.

Riots, gambling &c.

1. To prevent riots, gambling, noise and disturbance, indecent or disorderly conduct or assemblages, preserve peace and good order, and to protect the property of the municipal corporation and its inhabitants.

Nuisances.

2. To prevent injury or annoyance from anything dangerous, offensive or unhealthy, and to cause any nuisance to be abated.

Billiard tables,

3. To suppress billiard tables, nine or ten pin alleys or tables, and ball alleys; and to authorize the destruction of all instruments or devices used for the purpose of gaming.

4. To suppress and restrain disorderly houses, and houses of ill-fame, and provide for the punishment of all lewd and lascivious behavior in the streets and other public places. Brothels, &c.
5. To regulate, restrain and prohibit, ale, beer and porter houses or shops; and houses and places of notorious or habitual resort for tippling or intemperance. Porter houses, &c.
6. To regulate taverns and other houses for public entertainment. Taverns.
7. To regulate or prohibit all theatrical exhibitions and public shows, and all exhibitions of whatever name or nature for which money, or other reward, is in any manner demanded or received; but lectures on historic, literary or scientific subjects, shall not come within the provisions of this section. Theatres, lectures, &c.
8. To regulate or prohibit the sale of live domestic animals at public auction, on the streets, alleys, highways, or any public ground within the corporation. Animals at auction.
9. To regulate, license, or prohibit, the auctioneering of goods, wares and merchandise imported into the corporation for the purpose of being sold at auction. Auctioneering.
10. To regulate the use of all carts, drays, wagons, hackney-coaches, omnibuses, and every description of carriages which may be kept for hire, and all livery-stables. Carriages.
11. To regulate and restrain the running at large, within the limits of the corporation, of cattle, horses, swine, sheep, goats, geese and other animals, and to impound and hold the same, and, on notice to the owners, to authorize the sale of the same, or any portion thereof, for the penalty imposed by any ordinance and the costs and expenses of the proceeding. Running at large of cattle, &c.
12. To prevent the running at large of dogs, and injuries and annoyances therefrom, and to authorize the destruction of the same when running at large contrary to the provisions of any ordinance to that effect. Dogs.
13. To prevent and punish fast driving or riding of animals, or fast driving or propelling of vehicles, through or on the public highways. Fast driving, &c.
14. To regulate the transportation and keeping of gunpowder and other combustibles and explosives, and provide or license magazines for the same. Gunpowder, &c.
15. To regulate the transportation of articles through the streets, and prevent injuries to the streets from overloaded vehicles. Transportation.
16. To regulate the weighing and measuring of hay, wood, coal, and all other articles exposed for sale. Weighing, &c.
17. To guard against injuries by fire. Fire.
18. To provide for the laying down of gas pipes; to lay off, establish, open, widen, straighten, extend, improve, keep in order and repair, and to light streets, alleys, public grounds and buildings, wharves, landing places, bridges and market spaces, within the corporation, including any portion of any turnpike or plank road therein, surrendered to, or condemned by the corporation. Gas lights, &c.
19. To construct, open, enlarge, excavate, improve, deepen, straighten or extend, any canal, ship canal, or water course, located in whole or in part within the corporation. Canals, &c.

- Sprinkling streets, &c.** 20. To regulate the cleaning and sprinkling of streets, alleys and public grounds.
- Sewers, &c.** 21. To open, construct, keep in order and repair, sewers, drains and ditches.
- Privies, &c.** 22. To establish, repair and regulate, public water closets and privies.
- Hospitals, &c.** 23. To erect, establish, regulate and repair, pest houses and hospitals.
- Board of health.** 24. To establish a board of health, and to invest it with such powers, and impose upon it such duties, as may be necessary to secure the inhabitants from the evils of contagious, malignant and infectious diseases.
- Jails, &c.** 25. To build jails, or other, places of confinement, and to regulate the same.
- Markets.** 26. To erect market houses, and establish and regulate markets.
- Erection of buildings.** 27. To regulate the erection of buildings and other structures, within the corporate limits.
- Cemeteries.** 28. To provide public cemeteries, and for the improvement and protection thereof, and to regulate the burial of the dead.
- Police.** 29. To organize and maintain a police department.
- Fire department.** 30. To organize and maintain a fire department, erect necessary buildings therefor, and to purchase and hold all necessary hose, engines, carts, ladders, carriages, tools and implements therefor.
- Supply of water** 31. To provide for a supply of water, by the construction of wells, pumps, cisterns, aqueducts, water pipes, reservoirs and water works, and for the protection thereof; to prevent unnecessary waste of water, and the pollution thereof.
- Parks, &c.** 32. To hold and improve public grounds and parks, and to provide for the protection and preservation of the same.
- Appropriation of private property.** 33. To appropriate private property for the uses of the corporation.
- Real estate.** 34. To acquire, by purchase, or otherwise, and hold real estate, or any interest therein, and other property, for the uses of the corporation, and to sell or lease the same.
- Schools.** 35. To erect and maintain buildings for public schools.
- Public halls.** 36. To erect and maintain public halls.
- Libraries and reading room.** 37. To establish and maintain free public libraries and reading rooms; to purchase books, papers, maps and manuscripts therefor; and to receive donations and bequests of money or property for the same in trust, or otherwise. The council may appoint such trustees or officers, and confer upon them such authority as may be necessary to render any library or reading room so established of public utility. They may also pass necessary by-laws and regulations for the protection and government of the same.
- Ferries.** 38. To license and regulate ferries within the corporate limits.
- Justices of the peace.** 39. To fix and determine the number of justices of the peace in the township whose limits are within or co-extensive with any city or incorporated village.
- Intelligence offices.** 40. To regulate and prohibit intelligence and employment offices.

41. To prevent the erection and maintenance of insecure buildings.

Erection of buildings.

Sec. 203. The council shall have power to make suitable regulations to conduct such labor to the best advantage, and in a manner consistent with the age, sex and health of the prisoners; and such labor may be done at the corporation prison, work-house, or elsewhere, and under the charge of such officers or other persons as the council may select.

Regulation of labor.

Sec. 222. Said board shall elect, annually at the first regular meeting in May, one of their members as president; and, at the same meeting, it shall appoint a secretary, and clerk, and such other officers as may be necessary, and fix the compensation for their services; such compensation to be subject to the approval of the council.

Officers of houses of refuge

Sec. 229. No appropriation of money for any purpose other than the ordinary and necessary expenses and repairs of the institution, and no by-law, rule or regulation said board may establish, shall be of any validity until approved by the council.

Appropriations, &c., to be approved by council.

Sec. 239. Any infant under the age of sixteen years, who shall be convicted of any offense made punishable by imprisonment under any ordinance of the city or any law of the state, not punishable by imprisonment in the penitentiary, or who shall be ordered to be committed in the manner prescribed by section two hundred and thirty-eight of this act, may be confined in such house of refuge and correction, under such rules and regulations as the directors may prescribe; and it shall be lawful for the directors of such institution to receive and take charge of any children who may be committed to their custody by the court of common pleas, or any judge, justice of the peace, or other officer, under any law of the state.

Custody and confinement of infants or minors.

Sec. 271. The council of any city or incorporated village shall have power to establish, erect and maintain a work-house, and such work-house, and any work-house heretofore established, shall be governed by the provisions of this chapter; provided, that any city which has erected, or may have in process of erection, a "house of correction," as provided by an act of the general assembly of the state of Ohio, passed April 13th, 1867, may organize and govern the same under the provisions of this chapter or chapter nineteen, as the city council may determine.

Establishment and government of work-houses.

Sec. 295. The said board shall have the entire management and control of such hospital when the same has been completed and ready for use, and of the furnishing thereof, subject to the ordinances of the council, and shall establish such rules for its government and the admission of persons to its privileges as they may deem expedient; and it shall also have power to employ a superintendent, steward, physicians, nurses, and such other employes as they may deem necessary, and to fix the compensation of all persons so employed; such compensation to be subject to the approval of the council.

Board to control hospital, &c

Powers and duties of board of health.

Sec. 306. The council may grant such board power to abate and remove all nuisances in the corporation, and assess the costs and expense of the same upon the property wherein such nuisance is situated, which assessment, when duly certified by the president of the board to the county auditor shall become a lien, to be collected the same as any other tax in favor of the corporation, and to compel the proprietors or owners, agents or assignees, occupants or tenants, of the lot or property, house or building, upon or in which any nuisance may be, to abate and remove the same, to regulate the construction and arrangement of all water-closets and privy vaults, and the emptying and cleaning of such vaults; to create a complete and accurate system of registration of births, deaths and interments, occurring in or near such corporation, for purposes of legal and genealogical investigations, and to furnish facts for statistical, scientific, and particularly for sanitary inquiries; and when complaint is made, or a reasonable belief exists, that an infectious or contagious disease prevails in any locality or house, to visit such locality or house, make all necessary investigations by inspection, and on discovering that such infectious or contagious diseases exist, to send the person or persons so diseased to the pest-house or hospital.

Powers of council as to fire department.

Sec. 326. The council of any city or incorporated village shall have power to establish all necessary regulations to guard against the occurrence of fires, and protect the property and lives of the citizens against damage and accidents resulting therefrom; and for this purpose to establish and maintain a fire department, and provide for the establishment and organization of fire engine and hose companies, and provide such by-laws and regulations for the government of such companies as may be deemed necessary and proper; provided, that no active volunteer fireman, or one who has served five years consecutively as a volunteer fireman, shall be required to serve on juries, or perform military duty in time of peace.

Trustees of water works.

Sec. 335. The council of any city or incorporated village in which water-works are or may be situated, or in progress of construction, or when water-works shall be ordered to be constructed by the council, shall establish a board of three trustees, to be known as the trustees of the water-works, who shall be elected by the qualified electors of the corporation, and hold their office for the term of three years; except that at the first election under this act one shall be chosen for one year, one for two years, and one for three years; and thereafter one of the trustees shall be elected annually.

Officers of public grounds and parks.

Sec. 399. Said commissioners shall have power to appoint a superintendent and all other necessary employes, and fix their compensation, such compensation to be subject to the approval of the council, and prescribe their duties, and generally they shall have the same powers and perform the same duties, so far as applicable, as are vested in and required to be performed by the trustees of cemeteries, as provided in chapter twenty-six.

Sec. 410. Nothing in this chapter contained shall be construed to limit or abridge the term of office of any member of the council.

Term of office of members of council.

Sec. 412. No ordinance for such purpose shall be passed until public notice of the application therefor has been given by the clerk of the corporation, in one or more of the daily papers, if there be such, and if not, then in one or more of the weekly papers published in the corporation, for the period of at least three consecutive weeks; and no such grant shall be given except to the corporation, individual or individuals that will agree to carry passengers upon such proposed railroad at the lowest rates of fare, and shall have previously obtained the written consent of a majority of the property holders on the line of the proposed street railroad represented by the feet front of lots abutting on the street along which such road is proposed to be constructed.

Relative to street railroads.

Sec. 435. On written petition of not less than two-thirds the owners of feet front of the land fronting on any street, or any specified part thereof, the council of any city or incorporated village may order such street, or specified part thereof, to be sprinkled with water, at such time or times as the council may deem proper, and such sprinkling may be done by contract in each case, or for the entire city or specified district thereof, or may be performed by the city in connection with the street cleaning department.

When council may order sprinkling of streets.

Sec. 458. Nothing herein contained shall be so construed as to authorize the council to pass an ordinance for the purpose of assessing or imposing any fine or punishment upon any farmer or producer for selling at any time, within the corporation, during market hours, any article of provision or vegetables grown or produced by him or her.

Farmers, &c., not to be prohibited selling their productions.

Sec. 459. The council of any city shall have power, whenever deemed necessary, to appoint and license one of the resident freehold electors of the corporation, possessing the necessary qualifications, to act within and for the corporation, as gauger and inspector of domestic and foreign spirits, linseed oil, lard oil, and carbon or mineral oils; one inspector of flour, meal, bread and biscuit; one inspector of beef, pork, lard and butter; one inspector of pot and pearl ashes; one inspector of fish, when exposed for sale in barrels or half barrels.

Licensing of gaugers, inspectors, &c.

Sec. 484. The council of any incorporated village or city shall have power to require each able bodied male person, between the ages of twenty-one and fifty-five years, resident within the corporation, or within any contiguous territory that shall be attached thereto, for the purpose of this chapter, as hereinafter provided, to perform by himself or substitute, in each and every year, two days' labor upon the streets and alleys of such corporation, and upon the public roads or highways, or parts thereof that lie within the contiguous territory so attached as aforesaid; which labor shall be in lieu of the two days' labor required under the present laws regulating roads and highways; provided, that active volunteer firemen shall be exempt from performing said two days' labor; and,

Labor on streets—who liable, &c.

provided further, that such labor, when so required, may be commuted by the payment of a sum not exceeding three dollars, to be expended upon the streets where such labor would have been applied.

Attachment of
contiguous ter-
ritory for road
purposes.

Sec. 488. It shall be the duty of the council and the trustees of townships, respectively, in which any such corporation shall be situated, as soon after the passage of this act as practicable, and when from the sparseness of population the public interest shall require it, to attach to the corporation any territory lying contiguous thereto for the purposes mentioned in this chapter, and any portion of territory so attached may be detached and replaced under the control of the township trustees for road purposes, by the council, with the concurrence of the township trustees.

Vacation of
streets, change
of name, &c.

Sec. 491. The council of any city or incorporated village, on petition filed by any person or persons owning any lot or lots in the corporation, praying that any street or streets, alley or alleys, in the immediate vicinity of such lot or lots, may be vacated or narrowed, or a change of the name thereof, may, upon hearing, and being satisfied that there is good cause for such vacation or narrowing, or change of name, and that it will not be detrimental to the general interest, and that the same should be made, declare by ordinance such street or streets, alley or alleys, vacated, narrowed, or the name thereof changed.

Notice thereof
to be published,
&c.

Sec. 492. No street or alley shall be vacated or narrowed as aforesaid, unless notice of the pendency and prayer of the petition shall be given by publishing the same in some newspaper published or of general circulation in such corporation for six consecutive weeks preceding action on such petition; or in case no newspaper is published in the corporation, by posting such notice in three public places therein six weeks preceding such action; and such action shall take place within three months after the completion of such notice.

Board of city
improvements.

Sec. 496. Whenever the council of any city shall establish a board of improvements, such board shall be composed of the mayor, the civil engineer, the street commissioner, the chairman of the committee on streets of the city council, and one resident freehold elector of the corporation, to be appointed by the mayor, with the consent of the council, for such time as may, by ordinance, be determined; provided, however, that in cities of the first class having a population exceeding one hundred thousand at the last federal census, such board shall be composed of the mayor, the civil engineer, the street commissioner, two resident freehold electors of the corporation, to be elected by the council, and the chairman of the committee on streets of the board of aldermen and the board of councilmen.

Duties of board.

Sec. 497. It shall be the duty of the board to supervise the cleaning, repairing and improving of all streets, alleys, avenues, lanes, public wharves and landings, market-houses and spaces, bridges, sewers, drains, ditches, culverts, ship channels, streams and water courses, and the lighting of all such public places as may be deemed necessary, within the corporation, under the control of the council of the city.

Sec. 501. No improvement or repairs shall be ordered or directed by the council in any corporation where such board has been created, for any street, lane, alley, avenue, market-houses or spaces, bridges, sewers, drains or ditches, culverts, navigable streams, water courses, ship channels, public wharves or landings of the corporation, except on the recommendation of the board of improvements.

No improvements without recommendation of board.

Sec. 507. Each city and incorporated village shall have power to appropriate, enter upon and hold real estate within its corporate limits, for the following purposes; but no more shall be taken or appropriated than is reasonably necessary for the purpose to which it is to be applied:

Purposes for which private property may be appropriated

1. For opening, widening, straightening and extending streets, alleys and avenues.

Streets, markets, &c.

2. For market spaces.

3. For building and structures required for the use of the fire department.

Engine houses, prisons, &c.

4. For public halls and necessary offices.

5. For prisons.

6. For infirmaries.

7. For work-houses.

8. For houses of refuge and correction.

9. For public hospitals.

10. For public parks; and for this purpose the right to appropriate shall not be limited to lands lying within the limits of the corporation.

Parks.

11. For gas works.

Gas and water works.

12. For water-works; and for this purpose the right to appropriate shall not be limited to lands lying within the limits of the corporation.

13. For school house sites and grounds, the same having been recommended and the site selected by the board of education.

School houses.

14. For public cemeteries; and for this purpose the right to appropriate shall not be limited to lands lying within the corporation. But no land shall be appropriated under this provision until the court shall be satisfied that suitable premises cannot be obtained by contract upon reasonable terms; and no lands shall be appropriated upon which there may be any dwelling house, barn, stable, or other farm building, or upon which there shall be any orchard or nursery, or any valuable mineral or other medicinal spring; or any well actually yielding oil or salt water; nor shall any land be appropriated within two hundred yards of any dwelling house.

Cemeteries.

15. For public wharves and landings on navigable waters.

Wharves, levees, &c.

16. For levees to protect against floods; and for this purpose the corporation shall have power to appropriate, enter upon, and take private property lying outside of the corporate limits; and may extend and strengthen its levees and embankments along any river or stream adjacent to the limits of the corporation; and may widen the channel of such river or stream.

17. For necessary bridges.

Bridges, canals, &c.

18. For constructing, opening, excavating, improving, deepening, enlarging, straightening or extending any canal, ship

canal or water-course, located in whole or in part within the limits of the corporation, which is not owned in whole or in part by the state, or by any company or individual authorized by law to make such improvement.

Sewers, privies,
&c.

19. For sewers, drains and ditches.

20. For public water closets and privies.

21. For lighting any public use.

Taxes for city
improvements.

Sec. 539. For the payment of the cost of the following improvements, including the necessary real estate, the council shall levy and assess a tax upon the general duplicate of all the real and personal property subject to taxation within the limits of the corporation, which levy and assessment shall be by the clerk of the corporation certified to the auditor of the county, and by the auditor charged in the duplicate against such taxable property, and collected as other taxes; that is to say, for public halls and necessary offices, for structures for the fire department, for water-works, market-houses and spaces, cemeteries, parks, infirmaries, hospitals, gas works, prisons, houses of refuge and correction, work-houses, public privies and urinals, lands appropriated for streets or rights of way, and wharves and landings on navigable waters, levees and embankments.

When two-
thirds vote
 requisite.

Sec. 540. No public improvement provided for in chapters forty-nine and fifty, the cost or part of the cost of which is to be specially assessed on the owners of adjacent property, and no order appointing assessors of damages or confirming their report, shall be made without the concurrence of two-thirds of the whole number of the members elected to the council, unless two-thirds of the owners to be charged shall petition in writing therefor; and in incorporated villages having a less population than four thousand, no special assessment shall be made except for sidewalks, unless first having received the assent of a majority of the owners to be charged therewith.

Relative to tax
on life estates.

Sec. 541. Where a special assessment is made on real estate subject to a life estate, such assessment shall be payable by the tenant for life, but upon application by said life tenant to a court of proper jurisdiction, by action against the owners of the estate in fee, such court may apportion cost of said assessment between said life tenant and owner in fee in proportion to the relative value of said improvement to their estates respectively, to be ascertained and determined by said court on principles of equity.

Limit of taxa-
tion for im-
provements.

Sec. 543. In no case shall the tax or assessment specially levied and assessed upon any lot or land for any improvement amount to more than twenty-five per centum of the value of such lot or land as assessed for taxation, the cost exceeding the said per centum that would otherwise be chargeable on such lot or land, shall be paid by the corporation out of its general revenue.

Proceedings in
making im-
provements or
repairs.

Sec. 562. When the corporation shall make any improvement or repair provided for in this chapter, and in chapters forty-nine and fifty, the cost of which will exceed five hundred dollars, it shall proceed as follows:

1. It shall advertise for bids for the period of two weeks in some newspaper published or of general circulation in said corporation, and two if there are so many; and if no newspaper is published therein, then by posting up such advertisement in three public places therein, and if the estimated cost exceeds five thousand dollars, then four weeks.

2. The bids shall be filed with the clerk, or with the board of improvements, where such board exists, sealed up by 12 o'clock at noon, on the last day, as stated in the advertisement.

3. The bids shall be opened at the next regular meeting of the council or board of improvements, as the case may be, and publicly read by the clerk, and filed.

4. Each bid shall contain the full name of every person interested in the same, and shall be accompanied by a sufficient guaranty of some disinterested person, that if the bid is accepted, a contract will be entered into, and the performance of it properly secured.

5. If the work bid for embraces both labor and materials, each shall be separately stated, with the price thereof.

6. None but the lowest responsible bid shall be accepted, when such bids are for the labor or materials separately; but the council may, at its discretion, reject all the bids, or it may, at its discretion, accept any bid for both labor and material, which shall be the lowest aggregate cost of such improvement or repairs.

7. The contract shall be between the corporation and the bidder, and the corporation shall pay the contract price for the work, in cash; provided, however, that in cities of the first and second class the contract price may be paid in assessments, as the council, in its discretion, may have previously determined.

8. If two or more bids are equal in the whole or any part thereof, and are lower than any others, either may be accepted, but in no case shall the work be divided between them.

9. When there is reason to believe there is any collusion or combination among the bidders, or any number of them, the bids of those concerned therein shall be rejected.

Sec. 563. When it shall be deemed necessary by any city or incorporated village to make any public improvement, not otherwise specially provided for, it shall be the duty of the council to declare, by resolution, the necessity of such improvement, and to publish such resolution for not less than two nor more than four consecutive weeks, in some newspaper published or of general circulation in the corporation, and all plans and profiles relating thereto shall be recorded and kept on file in the office of the city civil engineer or clerk, and open to the inspection of all parties interested.

Sec. 566. Upon the passage of an ordinance for making the improvement, it shall be the duty of the mayor or solicitor of the corporation, in cases where claims for damages have been filed within the time above limited, and the council shall have determined to have the damages assessed before commencing the improvement, to make application, in

Notice of proposed improvements to be published.

Jury to assess damages.

writing, to the court of common pleas, or a judge thereof in vacation, or the probate judge of the county within which the corporation is situated, to summon a jury; and it shall be the duty of such court, judge, or probate judge, to direct the summoning of a jury as aforesaid, in the manner pointed out in chapter forty-seven, and fix the time and place for the inquiry and assessments of such damages where claims have been filed as aforesaid.

Assessment
after comple-
tion of improve-
ment.

Sec. 570. In all cases when the council shall have determined to assess the damages after the completion of any improvement provided for by this act, for which claims for damages have been filed as hereinbefore provided, it shall be the duty of the mayor or solicitor, within ten days after the completion of such improvement, to make written application to the court of common pleas, or a judge thereof in vacation, or the probate judge of the county in which the corporation is situated, to summon a jury in the manner pointed out in chapter forty-seven, to assess the amount of damage in each particular case where claims have been filed as aforesaid; and it shall be the duty of such court, judge, or probate judge, to fix the time and place for the inquiry and assessment of damages, in the same manner as above provided.

How costs for
improvements
shall be as-
sessed.

Sec. 576. For the payment of the cost of making said improvements and the cost of lighting the corporation, the council may, by ordinance, levy and assess a tax on all the lots or lands bounding or abutting on the proposed improvement, or on the streets lighted; such tax for lighting the corporation to be in proportion to the foot front of the lots or lands so bounding or abutting, and such tax for improvements to be assessed either in proportion to the foot front of the lots or lands so bounding or abutting, or according to the value of such lots or lands as assessed for taxation under the general law of the state, as may be equitable, and as the council may in each case determine.

When costs
may be paid by
general levy.

Sec. 581. If, in the opinion of the council or board of improvements, it would be equitable, the whole or a proportion of the cost of the improvement as may be fixed by the council or board, may be raised by the levy and assessment by the council of a tax upon the general duplicate of all the real and personal property subject to taxation within the limits of the corporation; which levy and assessment shall be certified, charged and collected as provided in chapter forty-eight; provided, that the corporation at large shall pay not less than one-fiftieth part of all expenses and costs for improving all public streets and ways, excepting sidewalks, in addition to the pay for street intersections, as provided for in section 591.

Relative to
sewerage and
drainage.

Sec. 602. Whenever it may become necessary, in the opinion of the council of any city or incorporated village, to provide a system of sewerage and drainage for such city or incorporated village, or any part or parts thereof, it shall be the duty of the board of improvements to devise and form, or cause to be devised or formed a plan of sewerage and drainage for the whole city or incorporated village, or such part or parts thereof as may be designated by the council; provided, that in all cities of the first class, having a population exceed-

ing 100,000 inhabitants by the federal census of 1860, and in all other cities where council may by ordinance so declare, the construction, maintenance and cleaning of the sewers shall be under the care of a board, to be called the commissioners of sewers, who shall appoint an engineer and such other employes as they may deem necessary; the compensation of said engineer and employes to be fixed by council; said board shall have all the powers, and perform all the duties now required of the board of improvements, as provided in this chapter, or elsewhere in this act, in respect to sewers, drains and ditches; and the said engineer appointed by said board, shall have all the powers and perform all the duties provided for the city engineer in this chapter, or elsewhere in this act, in respect to sewers, drains and ditches; such board shall consist of five members appointed by the mayor, subject to the confirmation of council, who shall be appointed, one for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter one shall be appointed each year, to serve for a term of five years, and they shall serve without compensation; provided further, that in cities of the second class, where the council of such city shall fail to establish a board of improvements, it shall be the duty of the city council to perform all the duties now required of said board by this act.

Commissioners
of sewers.

Sec. 640. The council of any city or incorporated village shall have power to levy, annually, for the general purposes of the corporation, such amount of taxes on each dollar valuation of taxable property of the corporation on the grand duplicate, as may be determined upon by them, not exceeding two mills on the dollar; provided, that in cities of the first class, having a population exceeding one hundred thousand inhabitants at the last federal census, the council may levy, for general purposes, a tax on all real and personal property in said city, not to exceed four mills on the dollar.

Rates of taxation in cities and villages for general corporation purposes.

Sec. 641. Each city and incorporated village shall also have power to levy, annually, in addition to the above, the following rates:

1. For sanitary purposes, one-half of one mill.
2. For street cleaning purposes, one mill; and for street improvements and repairs, one mill.
3. For the maintenance of the infirmary of the corporation and the support of the out-door poor, three-fourths of one mill.
4. For keeping in repair steam or other fire engines, and the support of the fire department, one mill.
5. For the construction or repair of graded wharves or landings on navigable waters, one-half of one mill.
6. For corporation cemeteries, one-half of one mill.
7. For lighting the corporation, one and one-half mills.
8. For supplying the corporation with water, three-fourths of one mill.
9. For keeping up and maintaining bridges, one-half of one mill; provided, that in all cities except cities of the first class, that have been advanced to that grade since 1860, one half of the proportion of bridge tax levied by the county commissioners, collected upon property within such cities—in all cases

where the city council shall demand it—shall be paid into the city treasury, and shall be expended by such cities for the purpose of building and repairing bridges.

10. For the payment of marshal and the police, two and one half mills.

11. For the maintenance of the work-house, one half of one mill.

12. For the expenses of maintaining and administering houses of refuge and correction, over and above the receipts from labor of persons confined therein, such sum as may be necessary for the same.

13. For schools and school house purposes, such amount as may be prescribed by law.

14. For sewer fund, one-half of one mill; when the corporation is divided into districts, the levy may be by such districts.

15. For maintaining the hospital, one-half of one mill.

Rates of levy
for special pur-
poses.

Sec. 644. The council shall also have power to make the following levies:

1. For the real estate and right of way thereto required for any improvement authorized in this act, one mill.

2. For erecting, enlarging or improving water-works, two mills.

3. For the erection of school buildings, two and one-half mills.

4. For wharves and landings, one-half of one mill.

5. For market-houses, one mill.

6. For the erection of corporation prisons and station houses, one-half of one mill.

7. For the erection of buildings required for the fire department, the construction of reservoirs, the purchase of steam or other fire engines, hose and other apparatus, for the use of such department, one mill.

8. For the erection of halls and public offices, one mill.

9. For the improvement of highways leading into the corporation, three-tenths of one mill.

10. For the construction of levees and embankments, one-half of one mill.

11. For the improvement of any water-course passing the corporation, one mill.

12. For the erection of work houses, two mills.

13. For the erection of houses of refuge and correction, two mills.

14. For the erection of hospitals, two mills.

15. For the erection of infirmaries, two mills.

16. For the erection of gas works, two mills.

17. For grounds for cemetery purposes, inclosing, improving, embellishing or enlarging the same, one mill.

18. For grounds for public parks, inclosing, improving, embellishing or enlarging the same, one mill.

19. For the construction of bridges, one-half of one mill.

20. To pay the interest on the public debt of the corporation, a sum sufficient to satisfy the same as it accrues annually, to be applied to no other purpose.

21. For the construction and repairs of sewers, drains and ditches, one mill; where the corporation is divided into districts, the levy may be by such districts.

22. For the purpose of keeping up and maintaining a free public library and reading room in the corporation, one-half of one mill. But no tax shall be levied for this purpose unless a suitable lot and building therefor, supplied with a library, furniture and fixtures, shall first be owned by or leased to the corporation.

23. For any improvement authorized by this act and not above provided for, one mill.

24. Such proportion of the amount authorized to be levied by this section, for either of the purposes therein specified, may be levied annually, as the council may, by ordinance, prescribe; but the aggregate of all such annual levies shall not exceed the limit herein prescribed for each of the purposes respectively.

Sec. 648. The aggregate of all taxes levied or ordered by any municipal corporation over and above the levy for general purposes, shall not exceed, in any one year, two and one-half per cent. of the value of any property, as valued for taxation on the county duplicate; Provided, that in cities of the first class, having a population exceeding one hundred and fifty thousand at the last federal census, the council may levy a tax in addition to the general levy hereinbefore provided for, on all the real and personal property in said city to be used for the purpose of opening, extending, widening or securing the rights of way for streets or avenues, not to exceed one mill. And no person or property charged with any special local assessment for any improvement, shall be compelled to pay therefor, in any one year, more than one-tenth of the value of the property on which the assessment was made, as valued on the county duplicate for taxation.

Maximum of
tax allowable.

Sec. 651. Nothing in this chapter shall be construed to prevent any corporation, that may elect to do so, from levying and collecting taxes, as authorized by this act, within the corporation; and when any corporation shall elect to levy and collect such taxes, it shall be the duty of the council to provide, by ordinance, for the appointment and regulation of the necessary officers to carry the same into effect; and such officers so created shall have all the power, and be under all the restrictions of county auditors, county treasurers, and township assessors, so far as the same shall be applicable to them, except in the sale of delinquent lands.

Taxes within
corporations.

Sec. 663. Loans may also be made by any municipal corporation in anticipation of the revenues to be derived from any tax authorized by this act for public improvements or other public use; and the council shall have power to issue the bonds of the corporation for the money so borrowed in such amounts as they may determine, bearing a rate of interest not exceeding eight per centum per annum, and payable at such time as they may deem proper, not exceeding fifteen years; provided, said bonds shall not, in any case, be sold for less than their par value.

Borrowing of
money in an-
ticipation, &c

Bonds for
money borrowed
in anticipation.

Sec. 666. If the council shall make any special assessment payable in annual installments, as authorized in chapters forty-nine and fifty, they shall have power to borrow, upon the credit of the corporation, a sum of money sufficient to pay the estimated cost and expense of the improvement, and shall have authority to issue bonds, notes, or certificates of indebtedness, pledging the faith and credit of the corporation for the payment of the principal and interest of such bonds, notes, or certificates of indebtedness, said interest not to exceed the rate of eight per centum per annum, payable annually, which said bonds, notes or certificates of indebtedness, shall not in any case be sold for less than their par value. All bonds, notes or certificates of indebtedness, issued as aforesaid, shall have the name of the street or portion thereof so improved, and for which the same were issued, legibly written or printed upon them, and shall be signed by the mayor and auditor or clerk, and be sealed with the seal of the corporation.

Sections re-
pealed.

SEC. 2. That sections 9, 60, 61, 64, 69, 71, 72, 78, 80, 83, 89, 91, 96, 100, 129, 130, 131, 156, 160, 179, 185, 199, 203, 222, 229, 239, 271, 295, 306, 326, 335, 399, 410, 412, 435, 458, 459, 484, 488, 491, 492, 496, 497, 501, 507, 539, 540, 541, 543, 562, 563, 566, 570, 576, 581, 602, 640, 641, 644, 648, 651, 663, and 666, be and the same are hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

To enable cities of the First Class to aid and promote Education.

Common
council may
accept funds,
&c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the common council of any city of the first class now having a population of one hundred and fifty thousand inhabitants or more, is hereby authorized and empowered, in the name and behalf of such city, to accept and take any property or funds, either heretofore or hereafter given to such city for the purpose of founding, maintaining or aiding a university, college or institution for promoting free education, and upon such terms, conditions and trusts, not inconsistent with law, as such common council may deem expedient and proper for that end.

Also, in trust,
endowments
&c.

SEC. 2. That for the further indowment, maintenance and aid of any university, college or institution for promoting free education heretofore or hereafter so founded in any such city, the common council thereof is also authorized and empow-

ered, in the name and behalf of such city, to accept and take, as trustee, and in trust for the purpose aforesaid, any estate, property or funds which have been or shall be lawfully transferred to such city for such use, by any person or persons or body corporate having the same, or any annuity or endowment in the nature of income which may be covenanted or pledged to such city towards such use by any person or persons or body corporate; and it shall be lawful for any person or persons or body corporate having and holding any estate, property or funds, in trust or applicable for the promotion of education, or the advancement of any of the arts or sciences, to convey, assign, transfer and deliver over the same to such city as trustee in his or their place, or to covenant or pledge its income, or any part thereof, such estate, property, funds or income to be held and applied by such city in trust for the further endowment or maintenance of such university, college or institution; in accordance, nevertheless, with the terms and true intent of any trust or condition upon which the same was originally given or held; and upon such transfer, and the acceptance thereof, such city and its successors, as trustees, shall become and be perpetually obligated and held to observe and execute such trust, in all respects, according to the original and true terms and intent thereof, and according to any further terms and conditions lawfully agreed upon such transfer and acceptance thereof. And any court having jurisdiction of the appointment of trustees of such trusts for educational purposes, shall have power, in any proceeding for that purpose duly instituted and had, to appoint and constitute such city, with the consent of the common council thereof, trustee of the estate, property and funds so transferred to it, and may dispense with the bond or surety on the part of such city for the performance of such trust, unless required by the original terms or conditions thereof; and may and shall, upon the due transfer and acceptance of such trust by such city, release and fully discharge trustee or trustees so transferring the same.

Power of court
in the premises.

SEC. 3. That the custody and management of any and all estate, property or funds so given or transferred in trust to any such city, and the entire administration of any and all such trusts so accepted by the common council thereof, and if any university, college or institution for promoting education, heretofore or hereafter so founded in or by any such city, except the common and high schools thereof, shall be committed to a board of directors, nineteen in number, of whom the mayor of such city for the time being shall be one, and the others shall be appointed by the common council, six of whom shall be appointed from such names as shall be nominated to the common council by the board of education of said city, and shall be citizens of approved learning, discretion and fitness for such office. They shall hold their office for the term of six years, and until their successors are duly elected and qualified: Provided, that the directors first appointed, other than the mayor, shall be elected respectively for terms of one, two, three, four, five and six years, from the

Board of directors to be appointed.

Their terms of office, &c.

Their powers,
duties, &c.

first day of January next following their election, two for each term. Any vacancy caused by the death, resignation or removal of a director, or otherwise, shall be filled for his unexpired term by appointment of the common council. And as to all matters not herein or otherwise provided by law, the said board of directors shall have all the authority, powers and control vested in or belonging to said city, either as to the management and control of the estate, property and funds given, transferred, covenanted or pledged to such city for the trusts and purposes aforesaid, or as to the government, conduct and control of the university, college or institution so founded. They shall have power to appoint a clerk and all agents proper and necessary for the care and administration of the trust property, and collecting the income, rents and profits thereof, and to appoint the president, professors, tutors, instructors, agents and servants necessary and proper for such university, college or institution, and to determine their compensation, and to provide all the necessary buildings, books, apparatus, means and appliances thereof, and to pass all such by-laws, rules and regulations concerning the president, professors, tutors, instructors, agents and servants aforesaid, and the admission, government and tuition of students, as such directors shall deem wise and proper; provided, nevertheless, that said directors may, by suitable by-laws, delegate and commit the admission, government, management and control of the student, course of studies, discipline and other internal affairs of such university, college or institution, to the faculty which the directors may appoint from among the professors; provided, also, that no charge shall be made for the admission or instruction of the children, wards, or apprentices of any citizen of such city admitted therein; and provided, also, that the accounts of such trust estate, property and funds, and of the income and expenditure thereof, shall be kept by the city auditor entirely distinct from all other accounts or affairs of such city, and the moneys shall be kept by the city treasurer distinct from other moneys; and said directors shall at all times confine the expenditures within the income of the trust estate, property and funds, and shall annually report to the common council a full statement of the accounts and administration of such trusts.

Power to confer degrees.

SEC. 4. The directors of such university, college or institution, upon the recommendation of the faculty thereof, shall be authorized to confer such degrees and honors as are customary in universities or colleges in the United States, and such others as, with reference to the course of studies and attainments of the graduates in special departments, they may deem proper.

Sites for buildings, &c

SEC. 5. The common council of any such city of the first class shall have power to set apart and appropriate, as a site for the buildings and grounds of the university, college or institution so founded, any public grounds of such city not specially appropriated or dedicated by ordinance to any other use or purpose, any act or law heretofore passed to the contrary notwithstanding; and the board of education of such

city may, in their discretion, upon the application of the said board of directors, assess and levy a tax on the taxable property of said city, not exceeding one-tenth of one mill on the dollar valuation thereof, to be applied by said board of directors to the support of such university, college or institution of learning.

SEC. 6. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 16, 1870.

AN ACT

To enable railroad companies to redeem their bonded debts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for any railroad company incorporated under the laws of this state, for the purpose of providing means for the redemption of its bonds, secured by mortgage or other lien upon its road, property or income, to issue and dispose of preferred stock to such amount as may be authorized by the stockholders, as hereinafter provided for, and to guarantee to the holders thereof semi-annual or quarterly dividends, not exceeding eight per centum per annum, payable at its office, or at such other place as may be designated by the directors.

Authority to
 issue and sell
 preferred
 stock.

SEC. 2. The unpreferred stock of the company shall be entitled to dividends only out of the surplus of the profits, after setting apart a sum sufficient to pay the dividends upon the preferred stock.

Source of dividends.

SEC. 3. Before any stock shall be issued under this act, a majority of the directors who desire the same shall call a meeting of the stockholders of said company, designating the time and place, and distinctly the purpose of said meeting, which meeting shall be held at the principal business office of said company in this state; notice of said meeting shall be given at least thirty days, by continued publication in at least two newspapers published and having most general circulation in this state, and one at New York city. If, at said meeting, the consent of a majority in interest of the existing stock of the company shall be given to the issue of such preferred stock of the company, it shall be the duty of the president and secretary of said company to make out an abstract, stating the total amount of pre-existing stock, the amount of preferred stock authorized, and the vote at said meeting; to which they shall attach copies of said notice, and designate the time for which, and papers in which the

Consent of
 stockholders
 to be obtained,
 &c.

notices have been published, to which abstract and statement they shall make affidavit, and file the same in the office of the secretary of state.

Disposal of
preferred
stock.

SEC. 4. It shall be lawful for the directors of such company to dispose of such preferred stock, on such terms as they may deem advisable, in exchange for, or redemption of, any outstanding bonds, for the payment of which said company is bound, whether as principal or guarantor, and whether the same have matured or not; or said company may dispose of such stock, or any part thereof, for cash; but in such event the proceeds thereof shall be set apart and appropriated only to the purchase and redemption of its bonded indebtedness as aforesaid.

SEC. 5. This act shall take effect from its passage.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Passed April 16th, 1870.

AN ACT

Supplementary to an act entitled "an act to provide for the erection of the Central Ohio Lunatic Asylum," passed April 23, 1869.

Governor,
treasurer and
attorney gen-
eral, to locate
asylum, &c.,

SECTION 1. *Be it enacted by the General Assembly of the State [of Ohio,]* That the governor, treasurer of state, and attorney general be, and they are hereby authorized to purchase for the state of Ohio, of William S. Sullivant, a tract of land in Franklin township, Franklin county, to contain three hundred acres, bounded on the south by the national road, on the north by the Columbus and Xenia railroad, on the east by a line running due north from the second mile stone, planted on the line of said national road, to said railroad; and on the west by a line running due north and south at a sufficient distance from said east line to contain said three hundred acres: Provided, the same can be purchased for any sum not exceeding one hundred thousand dollars; provided further, that before such purchase shall be made, the governor, treasurer of state and attorney general, shall sell the property of the state known as the Central Ohio Lunatic Asylum grounds, for a sum not less than two hundred thousand dollars, on such terms of payment as they may deem for the best interests of the state; provided, all deferred payments shall be subject to annual interest at six per cent., and amply secured on unincumbered real estate in this state, which sale shall not include any of the material on the same, or any part of the old asylum buildings; and provided further, that [the] governor, treasurer of state and attorney general, are hereby authorized to purchase for the purpose of erecting thereon the said asylum, any other lands in the vicinity of Columbus of not less than two hundred nor more than three

hundred acres, having a view to the best interest of the state, and the object and benefit of the institution; and provided further, that unless the same be sold and conveyed upon the terms aforesaid, on or before the 20th day of May, A. D. 1870, said trustees shall proceed immediately to erect said asylum thereon as if this act had not passed.

SEC. 2. When such purchase shall have been made, and the title to, and the possession of said lands secured to the state, and proper releases of all damages and transfers of contracts by present contractors made for the completion of contracts, at said point designated, to the acceptance of the governor and attorney general, the trustees of the Central Ohio Lunatic Asylum shall proceed immediately to erect thereon the building for the insane, provided for by the act of the general assembly, passed April 23, 1869; for which purpose they are hereby authorized and directed to make all necessary arrangements and agreements with any and all persons with whom contracts have already been entered into for the erection of such building upon the grounds of the old asylum, to carry out and complete said contracts upon such new location; provided, that the increased amount paid to such contractors, on account of increased expense to them arising from such change of location, shall not, in the aggregate, amount to more than shall be agreed upon by the governor, treasurer of state and attorney general, if any, as a just and fair compensation for damages sustained for said change; and provided, also, that said building shall be in all respects constructed in accordance with the plans and specifications already heretofore provided for the erection of such building upon the old site.

New building
to be erected,
&c.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

Authorizing county commissioners to repair roads and construct levees or embankments in certain cases, and to establish free ferries.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any one or more of the principal public roads or highways in any county, except turnpike roads over which tolls are collected, shall be subject to overflow or inundation so as to render the same, at any time, unfit for public travel, or hinder free and necessary transportation, it shall be lawful for the commissioners of such county to repair or reconstruct said road or highway, by building an embankment or levee sufficiently elevated above all such over-

Building of
levees in cer-
tain cases.

flows or inundations; and the expense of such embankment or levee shall be paid out of any money now in the county treasury, or that may hereafter be raised by taxation for road or bridge purposes: Provided, that when any such road or highway shall have been constructed by any adjoining counties, it shall be the duty of the commissioners of any such counties, conjointly, to repair or reconstruct such road or highway above an elevation of any such overflow or inundation, and the expense of the same shall be paid from any money which may be or shall hereafter come into the treasury of any such counties for road or bridge purposes, as contemplated by the provisions of this act, in proportion to the aggregate amount of the tax duplicate of the respective counties; and provided further, that there shall not be an additional levy for the purposes of this act other than now authorized by law.

Free ferries
in certain
cases.

SEC. 2. Be it further enacted, that when any county bridge has been destroyed by fire, flood, or from any other cause, and when, in the opinion of the county commissioners, the public good may require it, they may establish, or cause to be established, a free ferry across said stream: provided, that the cost of maintaining said free ferry shall not, in any case, exceed the interest on the probable cost of constructing a bridge across said stream.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAML F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

To authorize Stock Yard companies.

Stock yard
corporations
authorized.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for any number of persons, not less than three, to associate together and become a corporation, as provided in the sixty-third, sixty-fourth and sixty-fifth sections of the act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1st, 1852," for the purpose of purchasing or leasing real estate and erecting pens and buildings thereon, as may be required for the safe keeping of live stock trusted to them on sale, and with corporate rights to do all things necessary to the business of a stock yard, and to conduct the same business, and to manage their property, and to dispose of the same to the same extent, as is lawful for individuals.

SEC. 2. This act shall take effect and be of force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.

SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

Supplementary to an act entitled "an act to provide for locating, establishing and constructing ditches, drains and water-courses, in townships, and to repeal a certain act therein named," passed and took effect May 6, 1868. (S. & S., p. 322.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the collection of the taxes, or assessments levied or assessed, or ordered to be levied or assessed to pay for the location and construction of any ditch, drain or water-course laid out and constructed under and by authority of the act to which this is supplementary, or any act amendatory thereto, shall not be perpetually enjoined or declared absolutely void in consequence of any error committed by the engineer or surveyor, or by the township clerk, or by the trustees of a township, in the location and establishment thereof, nor by reason of any error or informality appearing in the record of the proceedings, nor by reason of any want of notice, nor by reason of irregularity in giving notice, by which any ditch, drain or water-course shall have been located and established. But the court in which any proceeding is now pending, or which may hereafter be brought to reverse or declare void the proceedings by which any ditch, drain, or water-course has been located or established, or to enjoin the tax or assessment, levied or assessed or ordered to be levied or assessed, to pay for the labor and fees aforesaid, shall, if there be manifest error in said proceedings, set the same aside and allow the plaintiff in the action to come in and show wherein he has been injured thereby. The court shall, on application of either party, appoint such person or persons to examine the premises, or to survey the same, or both, as may be deemed necessary. And the court shall, on final hearing, make such order in the premises as shall be just and equitable; and may order such tax to remain on the duplicate for collection, or order the same to be levied, or may perpetually enjoin the same, or any part thereof; or, if the same shall have been paid under protest, shall order the whole or such part thereof as may be just and equitable, to be refunded; the costs of said proceedings to be apportioned amongst the parties, or be paid out of the county treasury, as justice may require.

Taxes, &c.,
not absolutely
void for
error in pro-
ceedings.

Duty of court
in such case.

SEC. 2. This act shall be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

Supplementary to the act entitled "An act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852.

Erection of
 toll gates in
 certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any turnpike or plank road company now or hereafter incorporated under the act to which this is supplementary, for the purpose of constructing any turnpike or plank road, of less extent than five miles, from the limits of any city containing a population of more than 17,000 inhabitants at the last federal census, to any railroad, macadamized road, plank road, or other public highway, after the same shall have been approved and accepted by the county commissioners of the county in which the same shall be constructed, may erect a toll gate and charge and collect toll on said road: provided, that no greater amount of toll shall be charged or collected than the ordinary rate of toll per mile, as prescribed and allowed by the general law; and that in all other respects the said company shall be governed by the laws now in force or which may hereafter be enacted.

SEC. 2. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

To amend section 19 of an act for the preservation and repair of the National Road in Ohio, and for the collection of toll thereon, passed May 31, 1861. (O. L. vol. 61, p. 143.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 19 of said act be so amended as to read as follows:

Width of
 road de-
 fined.

Section 19. The proper limits of said road are hereby defined to be a space of eighty feet in width, forty feet on each side of the centre of the graded road bed: provided, where

said road passes over the street of any city of the second class in the state of Ohio, the width and grade of said road shall be conformed to the width and grade of the street in such city.

SEC. 2. That section 19 of said original act be and the same is hereby repealed.

SEC. 3. This act shall take effect upon its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

To authorize the several counties of the state to raise money to secure the location of the Ohio Agricultural and Mechanical College.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of any county in this state desiring to secure the location of the Ohio Agricultural and Mechanical College by making donations therefor, are hereby authorized and empowered to raise money for such donation by tax on all taxable property in such county, as listed on the county duplicate for taxation, the amount of which proposed donation shall be fixed by said commissioners.

Commission-
ers author-
ized to levy
tax, &c.

SEC. 2. That such tax shall not exceed two mills on the dollar of the taxable property of the county in any one year, nor shall the aggregate of all levies for such purposes exceed ten (10) mills on the dollar.

Limit
thereof.

SEC. 3. No such tax shall be levied or donation made until the question as to the amount to be donated has first been submitted by the county commissioners to the qualified voters of such county at some general or special election, a notice of which (specifying the amount to be donated) has been given at least thirty days previous to said election, in one or more newspapers published and in general circulation in the county; which election shall be held at the usual places of holding elections, and conducted in all respects, as far as may be, as other elections, except that the returns shall be made to the county commissioners, at the auditor's office; and those voting at such election in favor of said tax, shall have written or printed on their ballots the words "College Tax—Yes," and those voting against same, the words "College Tax—No." And said commissioners shall meet at said auditor's office on the fourth day next after said election, and canvass the votes; and if it appear that said tax is approved by a majority of the qualified electors voting at such election, then it is hereby made the duty of the county commissioners of said county to levy a special tax on all the taxable property of said county, to raise the sum donated by said vote, in accordance with section 2 of this act; and the

Tax to be
submitted to
vote, &c.

money arising therefrom, when collected, shall be applied to no other purpose but the payment of bonds and interest as hereinafter provided for; and said special tax shall be entered upon the county duplicate, and be collected in like manner as other taxes are collected.

Bonds in anticipation of tax.

SEC. 4. That to anticipate the collection of the tax authorized by this act, and the use of the money to be raised thereby, the county commissioners, on the acceptance of the donation herein contemplated, are hereby authorized and required to issue and negotiate the bonds of such county, in sums of not less than five hundred dollars each, payable (within ten years) at such times, and bearing interest at a rate not exceeding eight per cent., payable semi-annually, as the commissioners shall determine, which bonds shall not be sold or donated at less than their par value; and the proceeds thereof shall, on their receipt, be paid by said commissioners to the treasurer of said college to the amount of said donation.

SEC. 5. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

To amend section fourteen of "an act directing the mode of trial in criminal cases," passed March 7, 1831, as amended by an act passed March 14, 1862, as amended by an act passed February 1, 1866, (S. & C. 1183, Swan's R. S. 725, 59 vol. Stat. 26, S. & S. 612.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section fourteen of the above recited act, passed March 7, 1831, as amended by said act of March 14, 1862, as amended by said act of February 1, 1866, be amended so as to read as follows:

Court may assign counsel in certain cases.

Duty of auditor.

Section 14. The court before whom any person shall be indicted for any offense which is capital, or punished by imprisonment in the penitentiary, is hereby authorized and required to assign to such person counsel not exceeding two, if the prisoner has not the ability to procure counsel, and they shall have full access to the prisoner at all reasonable hours; and it shall not be lawful for the county auditor of any county in this state to audit or allow any account, bill or claim hereafter presented by an attorney or counselor at law for services performed under the provisions of this section, until said account, bill or claim shall have been examined and allowed by the court before whom said trial is had, and the amount so

allowed for such services certified by said court: provided that no such account, bill or claim shall in any case except in caess of homicide, exceed one hundred dollars.

SEC. 2. That section one of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

To require county commissioners to provide night watchmen for county treasuries.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when the probate judge, county auditor and county treasurer of any county in this state shall signify to the commissioners of such county, in writing, that in their opinion the safety of the public money in the treasury of such county requires a night watchman for such treasury, it shall be the duty of the commissioners of any such county to immediately employ a suitable person as night watchman for such treasury, and shall continue such employment as long as said officers first named in this section shall deem the same to be necessary. And the person so employed shall be paid in monthly installments out of the county treasury on the warrant of the county auditor: Provided, that nothing herein shall in any manner affect the liability of the treasurer or the sureties on his bond.

Provision for
night watch-
men in cer-
tain cases.

SEC. 2. That this act shall take effect from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

Supplementary to an act for the preservation and repair of the National Road in Ohio, and for the collection of tolls thereon, passed May 13, 1861. (O. L., vol. 58, page 140.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the resident engineer or superintendent provided for in the act to which this is supplementary, shall, in addition to the duties required of him in section four of

Additional
report re-
quired.

said act, report to the same officers, and at the same time, as is provided for in said section four of said act, that is, on or before the thirtieth day of November in each year, the following detailed statement, to-wit: The location of each gate, in what county, how near any city, town, village, or other public place, whether east or west of such place, village, town or city; also the amount received by him from each gate, monthly, from toll taken at such gate, and the amount allowed each gate keeper, monthly, for his services as such gate keeper, and also for any other service he may perform payable from the receipts at his gate; and also the number and amount of fines or penalties paid over to him by each collector or gate keeper.

Specifications.

SEC. 2. It shall further be the duty of the resident engineer or superintendent, to report the expenditures provided in the aforesaid section four, of which act this is supplemental, in each district of said road, as hereafter provided, separately so far as can be done; then such expenditures as are not local and cannot be so divided; and for this purpose the counties in which said national road is situated shall be a separate division, and numbered as follows: First district, the county of Belmont; second district, the county of Guernsey; third district, the county of Muskingum; fourth district, the county of Licking; fifth district, the county of Franklin; sixth district, the county of Madison; seventh district, the county of Clark.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

Supplementary to an act entitled "an act to preserve the Purity of Elections," passed March 20, 1841. (S. & C. 543, 1 Curwen, 767.)

Disabled soldiers in asylums may vote, where asylum is located.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the disabled soldiers who have been or shall be received into the national asylum for disabled volunteer soldiers, and who may be citizens of the United States, and residents of the state one year next preceding the election, shall be held and deemed to have their lawful residence in the county and township in which said asylum is, for the time being, or may hereafter be located, and shall be entitled to vote in such township and county, subject to the provis-

ions of existing laws, as to age, as to the time such residence shall have continued, prior to the exercise of the elective franchise.

SEC. [2.] This act shall take effect on its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

To amend sections eight, ten and eleven, of an act entitled "an act providing for recording, printing and distributing the Journals of the General Assembly, and the Laws and Public Documents," passed April 8, 1856, and to repeal an act therein named. (S. & C. 827, S. & S. 430.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the 8th, 10th and 11th sections of the act passed April 8, 1856, entitled "an act providing for recording, printing and distributing the journals of the general assembly and the laws and public documents," be so amended as to read as follows:

Section 8. There shall be printed, under the preceding sections of this act, in pamphlet form, the following numbers of each of the following annual reports, to wit: auditor of state—for the auditor, 500 copies; for the general assembly, 2,000 copies. Auditor's detailed statement of receipts and disbursements—for the auditor, 300 copies; for the general assembly, 600 copies. Secretary of state, including report of statistics—for the secretary, 500 copies; for the general assembly, 5,000 copies. Treasurer of state—for the treasurer, 300 copies, for the general assembly 600 copies. Comptroller of the treasury—for the comptroller, 200 copies; for the general assembly, 600 copies. Sinking fund commissioners—for the commissioners, 200 copies; for the general assembly, 600 copies. Attorney general—for the attorney, 200 copies; for the general assembly, 600 copies. Commissioner of common schools—for the commissioner, 18,000; for the general assembly, 600. Commissioners of state library—for the commissioners, 500; for the general assembly, 600. Superintendent of state house—for the superintendent, 200; for the general assembly, 600. Supervisor of public printing—for the supervisor, 200; for the general assembly, 600. Adjutant general—for the adjutant, 200; for the general assembly, 600. Board of public works—for the board, 300; for the general assembly, 600. Warden and trustees of penitentiary—for the warden and trustees, 1,000; for the general assembly, 1,000. Institution for the deaf and dumb—for the institution, 1,000;

Number of
 reports to be
 published,
 and how dis-
 posed of.

for the general assembly, 1,000. Institution for the blind—for the institution, 500; for the general assembly, 1,000. Central lunatic asylum—for the superintendent, 800; for the general assembly, 600. For the lunatic asylums at Newburgh and Dayton, and Longview asylum at Cincinnati—of each for the Superintendents, 800; for the general assembly, 800. Commissioners of reform school for boys—for the commissioners, 1,000; for the general assembly, 1,500. Asylum for idiotic and imbecile youth—for the asylum, 1,500; for the general assembly, 1,000. Reform school for girls—for the superintendent, 500; for the general assembly, 600. Board of state charities—for the board, 2,000; for the general assembly, 1,000. Gas commissioner—for the commissioner, 500; for the general assembly, 600. Commissioner of immigration—for the commissioner, 500; for the general assembly, 600; Soldiers' orphans' home—for the board of managers, 1,000; for the general assembly, 1,000. Of each of the foregoing, 100 copies in addition, for the state library and executive officers. The 18,000 copies of the report of the school commissioner allowed to the commissioner, to be distributed by him to the school boards of education, special school boards, boards of school directors, and county officers who have duties to discharge under the school laws. Three hundred copies of the report of the auditor of state, and his statement of receipts and disbursements, to be bound together in cloth. All other reports above mentioned to be bound in brochure covers.

Executive documents.

Section 10. At the same time that the documents mentioned in sections eight and nine are printed in pamphlet form, there shall be printed, on the same type on which said pamphlet forms of said documents shall be printed, twenty-five hundred copies of each document named, in a volume or volumes, paged consecutively, with running heads designating each report, to be styled "executive documents," to be bound in half-law binding. The supervisor of printing shall make out an index, to be printed at the commencement or close of each volume. There shall be no charge for composition for printing the 2,500 copies of said "executive documents," except for the index and title page.

Laws and resolutions

Section 11. There shall be printed twenty-five thousand copies of the laws and joint resolutions; and all the laws, general and local, and joint resolutions, shall be printed in one volume. Three thousand copies shall be printed in forms of 16 pages, as soon as practicable after enactment, ten copies of which shall be delivered promptly to each member of the general assembly, and the balance sent by the secretary of state, pro rata, to the auditors of the several counties. The remainder, (22,000,) shall be bound in half-law binding, and distributed as provided in this act.

Repeal.

SEC. 2. Original sections 8, 10 and 11 of the act to which this is amendatory, and the act entitled "an act amendatory of sections 8, 9, 10 and 11 of an act entitled 'an act providing for recording, printing and distributing the journals of the

general assembly, and the laws and public documents,' passed April 8, 1856," are hereby repealed.

SEC. 3. This act shall take effect on its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 SAM'L F. HUNT,

President pro tempore of the Senate

Passed April 18, 1870.

AN ACT

To amend section ten of an act entitled "an act for the better regulation of the public schools in cities, towns, &c.," passed February 21st, 1849. (S. & C., vol. 2, page 1375.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section ten of the above recited act be so amended as to read as follows:

Section 10. Admission to said schools shall be gratuitous to the children, wards and apprentices of all actual residents in such districts, who may be entitled to the privileges of the public schools under the general laws of this state; and no pupil shall be suspended therefrom except for such time as may be necessary to convene the board of education, nor be expelled unless by a vote of a majority of said board, after the parent or guardian of the offending pupil shall have been notified of the proposed expulsion, and permitted to be heard against the same: Provided, that said board shall have power to admit to said schools other pupils upon such terms or upon the payment of such tuition as they may prescribe.

Admission to
 schools, and
 expulsions,
 &c.

SEC. 2. That original section ten of the above entitled act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

Adair Law

To amend sections seven and ten of an act entitled "an act to provide against the evils resulting from the sale of intoxicating liquors in the state of Ohio," passed May 1, 1854. (S. & C. 1431.)

SECTION 1. *Be it enacted by the [General Assembly of the] State of Ohio*, That sections seven (7) and ten [10] of the above recited act, be so amended as to read as follows:

Right of action for injury against person selling, &c.

Section 7. That every husband, wife, child, parent, guardian, employer, or other person who shall be injured in person or property or means of support, by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, such wife, child, parent, guardian, employer, or other person, shall have a right of action in his or her own name, severally or jointly, against any person or persons who shall, by selling or giving intoxicating liquors, have caused the intoxication, in whole or in part, of such person or persons; and the owner of, lessee, or person or persons renting or leasing any building or premises, having knowledge that intoxicating liquors are to be sold therein in violation of law, or having leased the same for other purposes, shall knowingly permit intoxicating liquors to be so sold in such building or premises, that have caused the intoxication, in whole or in part, of such person or persons, shall be liable severally or jointly with the person or persons selling or giving intoxicating liquors aforesaid, for all damages sustained, as well as exemplary damages; and a married woman shall have the same right to bring suits, and control the same, and the amount recovered, the same as if a *feme sole*; and all damages recovered by a minor under this act, shall be paid either to such minor or to his or her parent, guardian or next friend, as the court shall direct; and the unlawful sale or giving away of intoxicating liquors shall work a forfeiture of all rights of the lessee or tenant, under any lease or contract of rent upon premises where such unlawful sale or giving away shall take place; and all suits for damage under this act shall be by a civil action in any of the courts of this state having jurisdiction thereof.

Collection of fine—who and what liable.

Sec. 10. For all fines, costs and damages assessed against any person or persons in consequence of the sale of intoxicating liquors, as provided in section seven of this act, and the act to which this is amendatory, the real estate and personal property of such person or persons, of every kind, without exception or exemption, except under the act to amend an act entitled an act to regulate judgment and executions at law, passed March 1st, 1831, passed March 9th, 1840, took effect March 15th, 1840 (S. & C. 1143), shall be liable for the payment thereof; and such fines, costs and damages shall be a lien upon such real estate until paid, and in case any person or persons shall rent or lease to another, or others, any building or premises to be used or occupied, in whole or in part, for the sale of intoxicating liquors, or shall permit the same to be so used or occupied, in whole or in part, such building or premises so leased, used or occupied, shall be held liable for, and may be sold to pay all fines, costs and damages assessed against any person or persons occupying such building or premises; and proceedings may be had to subject the same to the payment of any such fine and costs assessed or judgment recovered which remained unpaid, or any part thereof, either before or after execution shall issue against the property of the person or persons against whom such fine and costs or judgment shall have been adjudged or assessed; and when execution shall issue against the property so leased or

rented, the officer shall proceed to satisfy said execution out of the building or premises so leased or occupied as aforesaid; and in case such building or premises belong to a minor, insane person or idiot, the guardian of such minor, insane person or idiot who has control of such building or premises, shall be liable and account to his or her ward for all damages on account of such use and occupation of such building or premises, and the liabilities for the fines, costs and damages aforesaid; and all contracts whereby any building or premises shall be rented or leased, and the same shall be used or occupied, in whole or in part, for the sale of intoxicating liquors, shall be void, and the (lessee) person or persons renting or leasing said building or premises, shall, on and after the selling or giving intoxicating liquors as aforesaid, be considered and held to be in possession of said building or premises.

SEC. 3. [2.] Said sections seven (7) and 10 of the above-mentioned act, and all acts and parts of acts inconsistent with the provisions of this amendatory act, are hereby repealed. Repeal.

SEC. 4. [3.] This act shall take effect and be in force from and after the 4th day of July next.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.

SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

Providing for the election of county auditors, and prescribing their duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall hereafter be elected by the qualified electors in each county in this state, on the second Tuesday in October biennially, one county auditor for such county, who shall hold his office for two years from the second Monday in November next after his election: Provided, that all auditors now in office shall continue to hold their offices until two years from the second Monday in November next after taking possession of their said offices; and their successors shall be elected on the second Tuesday of October next preceding the expiration of their terms as herein provided.

Election of
auditor.

SEC. 2. The county auditor shall keep his office at the seat of justice of his county, in a room or rooms to be provided and furnished by the commissioners of his county.

His office.

SEC. 3. Each county auditor elect, previous to entering upon the duties of his office, shall give bond to the state of Ohio, with two or more sureties, to the acceptance of the commissioners of his county, in such penal sum, not less than five thousand nor more than twenty thousand dollars, as said commissioners may require, conditioned for the faithful dis-

His bond.

charge of the duties of his office, and shall take and subscribe an oath or affirmation, to be indorsed on said bond, that he will faithfully and impartially discharge all the duties of his office; which bond shall be deposited by the county commissioners with the treasurer of the county, who shall record and carefully preserve the same in his office.

Vacancy in
default of
bond.

SEC. 4. If any county auditor elect shall fail to give bond and take the oath of office, as required in the third section of this act, on or before the day on which, by the provisions of this act, he is to take possession of his office, the office shall be vacant.

Vacancy—
how filled.

SEC. 5. When a vacancy shall happen in the office of county auditor, from removal out of the county, or any other cause, the commissioners of the county shall appoint some suitable person, resident of the county, to fill such vacancy, who shall give bond; and if such appointment be made thirty days or more prior to the next October election, the person so appointed shall hold his office until the second Monday of November next thereafter; but if said appointment be made less than thirty days prior thereto, then the person so appointed shall hold his office until one year from the second Monday of November next after his appointment.

Auditor's
deputies.

SEC. 6. Each county auditor may appoint one or more deputies to aid him in the performance of his duties, and take from each such bond and with such sureties as he may demand for his own indemnity; and such auditor and his sureties shall be liable and responsible for the acts and conduct of such deputy or deputies, and such deputy or deputies shall hold his or their place or places at the pleasure of such auditor: Provided, that when any county auditor shall appoint a deputy, he shall make a record thereof in his office, and file a certificate of the same with the county treasurer, who shall record and preserve the same; and when any county auditor shall remove a deputy duly appointed as aforesaid, he shall record the same in his office and file a certificate thereof with his county treasurer, who shall record and preserve the same.

May administer
oaths, &c.

SEC. 7. County auditors and their deputies are authorized to administer any oath or affirmation necessary in the discharge of the duties of their respective offices, or proper in the authentication of any return, voucher or document to be filed in the county auditor's office.

Who ineligible.

SEC. 8. No judge of any court, clerk of any court, county commissioner, county recorder, county surveyor, county treasurer, or sheriff, shall be eligible to the office of county auditor.

Secretary of
commissioners,
ex-officio.

SEC. 9. The county auditor, by virtue of his office, shall be the secretary of the board of county commissioners, shall aid them, when requested, in the performance of their duties; shall keep an accurate record of all their corporate proceedings, and shall carefully preserve all documents, books, records, maps and papers required to be deposited and kept in his office.

Shall certify
money into
treasury.

SEC. 10. The county auditor shall certify all moneys into the county treasury, except moneys collected on the tax du-

plicate of the county, specifying by whom to be paid, and to what fund they are to be credited, charge the treasurer therewith, and preserve a duplicate of the certificate in his office.

SEC. 11. The county auditor shall keep an accurate account current with the treasurer of his county, showing all moneys paid into the treasury, when paid, on what account, and to what fund paid, and of all moneys paid out of and from what fund, and preserve all receipts of the treasurer filed with him for moneys paid into the treasury.

Shall keep
account cur-
rent with
treasurer.

SEC. 12. The county auditor shall issue orders on the county treasury for all moneys payable out of said treasury (except moneys due the state, which shall be paid out upon the order of the auditor of state), whenever the proper order or voucher is presented therefor, and shall keep a register of all such orders, showing the number, date of issue, the amount drawn for, in whose favor and on what fund; but he shall not issue an order for the payment of any claim against the county, unless the same be allowed by the county commissioners, except in cases where the amount due is fixed by law, or is allowed by some other officer or tribunal, authorized by law to allow the same.

Shall issue
orders on
treasury.

SEC. 13. The county auditor, shall, on application and presentation of title, with such affidavits as may be required by law, or the proper order of a court, transfer any land or town lot, or part thereof, charged with taxes on the duplicate, from the name in which it may stand into the name of the owner, whenever rendered necessary by any conveyance, partition, devise, descent, or otherwise; and if, by reason of the conveyance or otherwise, a part only of any tract or lot, as charged on the duplicate, is to be transferred, the party or parties desiring the transfer, shall make satisfactory proof of the value of such part as compared with the valuation of the whole, as charged on the duplicate, before the transfer shall be made; and the auditor shall endorse on the deed or other evidences of title presented to him, that the proper transfer of the real estate therein described has been made in his office, or that the same is not entered for taxation, and sign his name thereto; and no deed of absolute conveyance shall be recorded by any county recorder until thus indorsed.

Shall trans-
fer lots, &c.

SEC. 14. If any transfer of real estate has been or shall hereafter be fraudulently or improperly obtained, or the just proportion of valuation was not, or shall not be transferred with the part of any lot or tract transferred, the county auditor may cancel such transfer, and if necessary, require the assessor of the proper township, ward, or city, to return the proper valuation.

fraudulent
transfers.

SEC. 15. The party procuring any transfer of real estate by the county auditor, shall pay said auditor for making the same (except as otherwise provided by law) the sum of ten cents for each tract or parcel of real estate to be separately transferred: provided, that the whole fees for transfers of real estate described in any one deed, plat or other instrument, shall not exceed two dollars.

Fee for trans-
fer.

SEC. 16. The county auditor shall, at all reasonable times,

Right to examine records have a right to examine the records of deeds in his county, free of charge.

May discharge prisoners in certain cases. SEC. 17. The county auditor shall have power to discharge from imprisonment any person who shall be confined in the county jail for the non-payment of any fine or amercement due the county, except fines for contempt of court or some officer of the law, when it shall be made clearly to appear to him that such fine or amercement can not be collected by such imprisonment.

Shall furnish blanks to assessors. SEC. 18. The county auditor shall furnish the several assessors all blanks necessary for their use in the discharge of the duties enjoined on them by law, and all reasonable charges therefor shall be allowed by the county commissioners, and paid out of the county treasury.

Liable to suit for damages. SEC. 19. Suit may be instituted on the bond of the county auditor against such auditor and his sureties in the name of the state of Ohio, for the use of the state, county, or any party or person injured by the negligence or misconduct of said auditor.

Penalty for malfeasance in office. SEC. 20. If any county auditor shall refuse or neglect to make any settlement with his county treasurer according to law, or shall wilfully fail to perform any other duty required of him by law, he shall be deemed guilty of a misdemeanor, and upon indictment and conviction thereof in the court of common pleas of his county, shall be fined in any sum not exceeding two thousand dollars, and shall forfeit his office; and upon an affidavit being made before the probate judge of the county, that the auditor of his said county is guilty of a violation of this act, the probate judge shall immediately issue a summons to the auditor, which summons shall be made returnable as in other civil suits; and if upon examination, the court shall be satisfied that there is reasonable grounds for such complaint, the court may, in their discretion, report the same to the county commissioners, who shall immediately suspend said auditor, and appoint some suitable person to perform the duties of county auditor, until such auditor shall be restored to the possession of his office, or his successor duly elected and qualified, who, upon giving bond and taking the oath of office as county auditors are required to do, shall be authorized to perform all the duties and be subject to all the obligations and liabilities of county auditors; and his bond shall be filed and recorded the same as bonds of county auditors.

Prosecutions against him. SEC. 21. When the county commissioners shall suspend any county auditor from the performance of his duties, as provided for in the preceding section, they shall immediately cause a prosecution to be instituted against said auditor, under the provisions of the preceding section; and if the grand jury, at the next regular term of the court of common pleas of said county, shall fail to find and present an indictment against said auditor, or if indictment be found, and upon trial thereof said auditor shall be acquitted, he shall be restored to the possession of his office, and all the rights, duties and obligations thereof; and the person appointed as aforesaid to

perform the duties of said office, shall vacate the same and cease to have any rights therein.

SEC. 22. Each county auditor shall perform all such duties as may be required of him by law, and upon going out of office, or being suspended from the functions of his office by the commissioners of his county, shall deliver up to his successor, or the appointee of the commissioners, all the documents, books, records, vouchers, papers, maps and other property in his hands belonging to the county; and in case of the death of any county auditor, his legal representatives shall in like manner deliver up all such documents, books, records, vouchers, papers, maps and other property.

Further duties.

SEC. 23. If any county auditor shall fail to make and transmit to the auditor of state, within the time required by law, any return or report which he is by law required to make to the auditor of state, he shall be held to be guilty of an offense, and upon conviction thereof, shall be fined one hundred dollars and costs of prosecution.

Penalty for failure to report to state auditor.

SEC. 24. All prosecutions under this act shall be by indictment in the proper county.

Prosecutions by indictment.

SEC. 25. The first eighteen sections and the forty-fourth and forty-fifth sections of the act prescribing the duties of county auditors, passed April 4, 1859, (1st Swan & Critchfield, page 96) and all other acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed: Provided, that all obligations incurred and all rights acquired under the provisions of the acts hereby repealed, shall remain in full force and be enforced as fully in all respects as if this act had not passed.

Sections repealed.

SEC. 26. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18th, 1870.

AN ACT

To organize and regulate an Independent Militia.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That, for the purpose of creating greater efficiency in the militia system in counties having cities or towns with a larger population than three thousand, it shall be lawful for any members of the enrolled militia to embody and organize themselves into independent companies, battalions, squadrons, regiments and batteries, in manner and form and subject to the provisions and restrictions hereinafter prescribed; and, provided, that such organizations shall be of no charge or expense whatever to the state.

Organization into companies, battalions, &c.

Companies
and bat-
teries.

SEC. 2. In each of said counties, members of the regularly enrolled militia may organize themselves into companies and batteries as hereinafter provided; and each company and battery so organized may ordain and establish such by-laws, rules and regulations as they may deem necessary for their proper government, and as may not be inconsistent with this act, or the constitution of this state, or of the United States.

Squadrons
and battal-
ions.

SEC. 3. That in each of said counties companies may unite and form squadrons and battalions, to be composed of not less than two nor more than five companies, which companies shall be designated by the letters A, B, C, D and E, and shall consist of not less than forty nor more than one hundred men, rank and file; and in addition [to] its compliment of officers and men on the active roll, each company may receive and enroll not more than one hundred and fifty contributing members, who shall be subject to such contributions, duties and services as may be prescribed by the rules and regulations of the company: provided, that the whole number of active and contributing members so enrolled shall not embrace more than fifteen per cent. of the voting population of such counties.

Company
officers, &c.

SEC. 4. That the members of each company shall have power to elect a captain, a first and a second lieutenant, and when two companies shall have been duly organized and united, they shall have power to elect a major, an adjutant, a quartermaster and a surgeon, and when four companies shall have united, they shall have power to elect a colonel, and when more than five companies have been duly organized and united, they may form and organize themselves into a regiment, and elect a full complement of regimental officers; all of which said officers so elected shall be commissioned and qualified as officers of like grade in the voluntary [volunteer] militia of the state, and at any meeting, encampment or parade, the senior officer present shall have command.

Subject to
call of gov-
ernor, &c.

SEC. 5. That said companies and other organizations as herein provided shall be separate from, and independent of, any and all other military organizations and commands whatever in the state, and shall be subject solely to the direct call of the governor of the state, and of the regular constituted civil authorities, for the suppression of insurrection and riot, or the repelling of invasion, or the enforcement of the execution of the laws according to the provisions of the constitution and the laws of the state; and in all cases of demand or requisition for a military force by the sheriff or mayor, it shall be by application to the senior commissioned officer in rank, at the time present in the city, town or county where such service is required.

Arms and
drill.

SEC. 6. All such companies, battalions, squadrons, regiments and batteries, when organized, shall be armed and drilled as near as practicable in accordance with the system of the United States army for like organizations, and while in actual service shall be governed by the principles of the military laws of the state and the rules and articles of war of the United States.

SEC. 7. Every such company, battalion, squadron, regi-

ment or battery shall, immediately upon its organization, fix certain days, not less than three in number, upon which, in each and every year, and at such hours as may be specified, it shall meet for public parade and military exercise, and for drill at such other times as may be provided by the rules or by-laws of such organization.

Meetings for
parade and
exercise.

SEC. 8. Every such company, battalion, squadron, regiment or battery shall, once in each year, during the months of July, August or September, hold an encampment, to continue not less than three days, and the officers and soldiers forming such encampment shall be drilled in accordance with the rules and usages of the United States army, and when practicable shall be inspected by the adjutant general, and the commandant shall give five days public notice of the time and place of such encampment.

Encamp-
ment.

SEC. 9. Every active and contributing member of such independent companies and batteries shall, while a member of such organization, be exempt from labor on the public highways of the state, and from service as jurors, and every member who shall have been held to duty during a period of five years shall be entitled to a certificate from his commandant showing such service, and shall be exempt from military duty in time of peace.

Exemption
from labor on
highways,
&c.

SEC. 10. Such independent companies and batteries shall be entitled to the use of the public arms of the state, subject to the same obligations and restrictions as those imposed upon other military companies in the state, to be drawn upon the requisition of the commanding officer upon the adjutant general of the state: Provided, however, that there shall be no arms issued, except a bond in twice the full value of such arms be deposited with the auditor of state, which said bond shall be conditioned upon the return of such arms, when demanded by the governor or adjutant general of the state, and secured by at least two good and sufficient sureties, to be approved by the attorney general.

Entitled to
use of public
arms.

SEC. 11. The style of the uniform shall be such as each company or battery may adopt: Provided, that the uniform of all companies organized into a battalion, squadron or regiment, shall be one and alike, and the uniform of the officers shall correspond therewith.

Style of uni-
form.

SEC. 12. That each and every member of such organizations shall receive one dollar per day or one dollar per night, or two dollars for each day and night together, when serving under the order of the governor, sheriff of their county, or mayor of their city, to suppress riots or to enforce civil law, to be paid out of the county treasury, on the order of the said governor, sheriff or mayor, as aforesaid; and when called into active service by the governor in case of invasion, or to prevent invasion, riot, or insurrection, they shall receive a like compensation, to be paid out of the state treasury on the order of the governor.

Per diem
when in ser-
vice.

SEC. 13. That in the artillery arm, batteries shall be organized as follows:

For a battery of two guns, one first and one second lieutenant, and not less than forty-seven, nor more than fifty-five

Batteries.

enlisted men; for a battery of four guns, one captain and one first and one second lieutenant, and not less than ninety-five, nor more than one hundred and ten enlisted men; for a battery of six guns, one captain, one senior and one junior first lieutenant, one senior and one junior second lieutenant, and not less than one hundred and thirty-six, nor more than one hundred and fifty enlisted men.

Enrollment
of members.

SEC. 14. That batteries so organized may receive and enroll contributing members as follows: To each battery of two guns, not more than seventy-five; to each battery of four guns, not more than one hundred and fifty, and to each battery of six guns, not more than two hundred contributing members, who shall be subject to such contributions, duties and service as may be prescribed by the rules and regulations of the battery, and shall be entitled to the same privileges allowed to contributing members of infantry and cavalry, as provided in section nine of this act.

Election of
officers of
batteries, &c.

SEC. 15. That the officers of batteries, as hereinbefore prescribed, shall be elected by the ballots of the enlisted men of the battery, and shall be commissioned and qualified as provided in section four of this act; and the field and staff officers of battalions, squadrons and regiments, shall be elected by the ballots of company officers and enlisted men of such battalion, squadron or regiment.

Compensa-
tion for use
of animals.

SEC. 16. That whenever any portion of the cavalry or artillery organized under this act, shall be called out to aid the civil authorities, as provided in sections five and twelve of this act, they shall be allowed a fair and reasonable compensation for the use of any animals necessarily used by them during such time, to be paid as prescribed in said sections.

Penalty for
selling, &c.,
of public
arms.

SEC. 17. Any person found guilty of selling, disposing of, hiding, secreting, detaining or refusing to give up any of the arms, accoutrements, ordnance stores, camp or garrison equipage or munitions of war, belonging to the state of Ohio, or who shall in any way wilfully injure any of the same, or any arsenal or armory belonging to or rented by the state, or owned or rented by any company, battalion, squadron, regiment or battery, organized under this act, shall, on conviction thereof, be fined in any sum not exceeding five hundred dollars, or shall be imprisoned in the county jail for the term of not more than three months, or both, at the discretion of the court.

SEC. 18. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

Supplementary to an act passed February 16, 1870, entitled "an act supplementary to an act passed April 30, 1869, entitled an act to authorize county commissioners to locate and construct turnpike roads." (Vol. 66, O. L. 62,) passed February 16, 1870.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of the act passed February 16, 1870, entitled "an act supplementary to an act passed April 30, 1869, entitled an act to authorize county commissioners to locate and construct turnpike roads, (vol. 66, O. L. 62,) passed February 16, 1870," shall not be held to extend or apply to turnpike or trunk roads, or those in process of construction within the meaning of the said act passed April 30, 1869, entitled "an act to authorize county commissioners to locate and construct turnpike roads," where the same have been surveyed and located in pursuance of said act, and donations made or subscriptions taken for the construction or in aid thereof, under any arrangement, understanding or agreement with the commissioners of the proper county, prior to the passage of the aforesaid act to which this is supplementary, but the same shall be allowed to proceed to final completion as if said act to which this is supplementary had not been passed. Nor shall the provisions of said act of February 16, 1870, or of this act, be construed to restrain or prevent the commissioners of any county authorized by any act local thereto, from proceeding under the same as fully as though said acts had not been passed.

Construction
of former act.

Local acts
not affected.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

To amend sections 28, 181, 313, 314, as amended February 16, 1866, 374, as amended March 29, 1859, 517, 526, 532, and 557 of the code of civil procedure.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-eight of the code of civil procedure be amended so as to read as follows:

Sec. 28. Where a married woman is a party, her husband must be joined with her, except, that when the action concerns her separate property, or is between herself and her husband, she may sue or be sued alone; and in every such

When married woman may sue or be sued alone.

case her separate property shall be liable for any judgment rendered therein against her, to the same extent as would the property of her husband were the judgment rendered against him. But in no case shall she be required to prosecute or defend by her next friend.

SEC. 2. That section one hundred and eighty-one of the code of civil procedure be amended so as to read as follows :

Officer's duty and liability as to property in default of security.

Sec. 181. If the undertaking required by section 179, be not given within twenty-four hours from the taking of the property under said order, or from the time when the right first accrues to the plaintiff to receive said property from said officer, on executing the proper undertaking, the sheriff or other officer shall return the property to the defendant; and if the sheriff or other officer deliver any property so taken to the plaintiff, his agent or attorney, or keep the same from the defendant without taking such security, within the time and in the manner aforesaid, or if he take insufficient security, he shall be liable in damages.

What parties shall not be allowed to testify.

SEC. 3. That section 313 of "an act to establish a code of civil procedure," passed March 11, 1853, as amended March 31, 1864, as amended April 15, 1867, be so amended as to read as follows :

Guardian or trustee in certain cases.

Sec. 313. No party to a civil action shall be allowed to testify by virtue of section 310, in any action where the adverse party is the guardian or trustee of a child or children of a deceased person, or of an idiot, or of a lunatic, or of a deaf and dumb person, or is the executor or administrator of a deceased person, or is a party claiming or defending as heir or devisee of a deceased person, except in the following cases namely :

Exceptions.

1st. In actions with an executor, administrator, guardian or trustee of infants, heir or devisee, as above specified, a party may testify to facts which occurred after the death of the decedent, or parent, and in actions with a guardian of an idiot or of a lunatic, as above specified, a party may testify to facts which occurred after the appointment of such guardian.

2d. In actions upon contracts made by deceased persons through agents, and in which the agent shall testify, a party may testify to all that transpired between him and the agent in relation to such contracts, and the making thereof, and in relation to any conversations or transactions between himself and such agent, testified to by the agent.

3d. In actions of either of the classes above specified, in which any adverse party, or any person having a direct interest in the matter in controversy, shall be called as a witness and testify to transactions or conversation with a party to such action, such party shall also be permitted to testify as to such specific transactions and conversations.

4th. In actions of either of the classes above specified, in which one party calls a witness, other than an agent acting as such, or one interested to prove conversations or admissions of the opposite party, occurring before the death of said deceased person, the opposite party may testify to the same conversations or admissions.

5th. In actions of either of the classes above specified, in

which the claim or defense is founded on book accounts, a party may testify to his account book, that the same is a book of original entries, that the entries in the same were made by himself, or by a deceased person, or by a disinterested person non-resident of the state at the time of trial; and on such authentication of the account book and entries, said book and entries shall be admissible evidence in the case.

6th. If the deposition of a party who has died during the pendency of a suit shall be given in evidence on the trial of such cause, the opposite party may testify as to all matters and things contained in said deposition and not excluded for irrelevancy or inadmissibility. In all actions by or against a surviving partner or partners, or a surviving joint contractor or contractors, no adverse party to the suit shall be a competent witness to testify to transactions which took place with, or declarations or admissions made by the deceased partner or joint contractor in the absence of his surviving partner or joint contractor.

7th. In actions brought by executors or administrators under an act passed March 25, 1851, entitled an act requiring compensation for causing death by wrongful act, neglect or default, and all acts amendatory and supplementary thereto.

SEC. 4. That section three hundred and fourteen of an act entitled "an act to establish a code of civil procedure," passed March 11, 1853, as amended February 16, 1866, be so amended as to read as follows: Sec. 314. The following persons shall be incompetent to testify:

1st. Persons who are of unsound mind at the time of their production for examination.

2d. Children under ten years of age who appear incapable of receiving just impressions of the facts and transactions respecting which they are examined or of relating them thereby.

3d. An attorney concerning any communication made to him by his client in that relation or his advice thereon, without the client's express consent, or a physician concerning any communication made to him by his patients in that relation, or his advice thereon without his patient's consent.

4th. A clergyman or priest at any confession made to him in his professional character, in the course of discipline enjoined by the church to which he belongs.

5th. No person who would, if a party, be incompetent to testify, under the provisions of section three hundred and thirteen, shall become competent by reason of an assignment of his claim.

6th. Nor shall any person who would be incompetent to testify under the provisions of said section, in an action between himself and any party named therein, become competent by reason of a sale or transfer of any property by said executor, administrator, guardian, trustee, heir or devisee, concerning which property said action is brought, or in which action the title to the same is involved.

7th. Husband or wife concerning any communication made by one to the other during coverture, or any act done by

Who are incompetent to testify.

Persons of unsound mind.
Children.

Certain attorneys.

Certain clergymen, &c.

Parties interested.

Same.

Husband or wife in certain cases.

either in the presence of the other during coverture, unless such communication was made or such act was done, within the known presence, hearing, or knowledge of a third person competent of being a witness, whether the husband or wife be called as a witness while that relation subsists or afterwards.

Sale of mort-
gaged prop-
erty.

SEC. 5. That section three hundred and seventy-four of the code of civil procedure as amended by act of March 29, 1859, be amended so as to read as follows: Sec. 374. In the foreclosure of a mortgage, the sale of the mortgaged premises shall in all cases be ordered; and when the mortgage foreclosed embraces an entire tract of land, or separate tracts of land situated in two or more counties in the state, the sheriff of each county in which such separate tract or tracts of lands are situated, shall be ordered to make sale of the land situated in the county of which he is the sheriff, unless in the opinion of the court ordering the sale, the circumstances of the case, or the interests of the parties shall appear to require the sale to be made by a single officer; in which case the said court may order the sale to be made by the sheriff of either county in which any part of the mortgaged premises may be situated, or by a master commissioner, and the court may order the lands to be sold entire or in parcels, as the interests of the parties may require; and in such cases the mortgaged premises shall be appraised by three disinterested freeholders of either or any of the counties in which said lands may be situated, and notice of the sale shall be given by advertisement in such of said counties as is required in the case of the sale of real estate on execution; and the court may, in the order of sale, or on confirmation of the sale, make such order touching the distribution of the proceeds of sale, as may be necessary to protect and preserve the relative rights and privileges of all lien holders on such premises or on the several parcels thereof. And in all cases where said lands or any parcels thereof, have been, or may hereafter be twice advertised and offered for sale, and shall remain unsold for want of bidders, and the court being satisfied thereof, it shall be the duty of the court from which the order of sale issued, on motion of the plaintiff or defendant at the time of ordering such new appraisement, also order that said land be sold on time as follows: One third cash in hand, one-third in nine months from the day of sale, and the remaining third in eighteen months from day of sale, the deferred payments to draw six per cent. interest, and to be secured by mortgage on the premises.

Proceedings
to obtain re-
versal, &c.

SEC. 6. That section five hundred and seventeen of the code of civil procedure be amended so as to read as follows: Sec. 517. The plaintiff in error shall file with his petition an authenticated transcript of the docket or journal entries, and of the final judgment or decree made and rendered in the case, together with the original papers and pleadings in the case: Provided, that if, before the filing of the petition in error, a complete record shall not have been made in the court, board or tribunal, to reverse, vacate or modify whose judg-

ment or order such petition is filed, the said court, board or tribunal, may by order entered on its journal, require that, instead of the original papers and pleadings being filed, a copy thereof shall be included in the transcript of the docket or journal entries, or that a complete record of the case shall be made in such court, board or tribunal, after the filing of said original papers and pleadings in the reviewing court; and for the purpose of the making of such record, the clerk of the appellate court shall, in case of an order for such complete record, allow the temporary withdrawal of said original papers and pleadings, but such withdrawal shall not be for a longer time than reasonably necessary for the purpose aforesaid; provided, that the plaintiff in error shall be required to file no more of such original papers or transcript thereof, than is necessary to exhibit the error complained of.

SEC. 7. That section five hundred and twenty-six of the code of civil procedure be amended so as to read as follows:

Section 526. When a judgment or final order has been or shall be reversed, either in whole or in part, in the court of common pleas, the district court, or supreme court, the court reversing the same shall proceed to render such judgment as the court below should have rendered, or remand the cause to the court below for such judgment; and the district court or common pleas court so reversing any judgment as aforesaid, shall, upon the request of either party, specify in writing the ground or grounds of such reversal, which shall be filed and kept with the papers in the case; and the court reversing or affirming such judgment or final order shall not issue execution in causes that are so brought before them on error, on which they pronounced judgment, as aforesaid, but shall send a special mandate to the court below, as the case may require, for execution thereupon; and such court to which such special mandate is sent shall proceed in such cases in the same manner as if such judgment or final order had been rendered thereon; and on motion, and good cause shown, it may suspend any execution made returnable before it by order of the court of common pleas, the district court, or supreme court, in the same manner as if such execution had been issued from its own court; but such power shall not extend further than to stay proceedings until the matter can be further heard by the court of common pleas, the district court, or supreme court, as the case may be: Provided, this section shall not apply to judgments of justices of the peace.

SEC. 8. That section five hundred and thirty-two of the code of civil procedure be amended so as to read as follows:

Section 532. When the proceedings of a justice of the peace are taken on error to the court of common pleas, in manner aforesaid, and the judgment of such justice shall be reversed or set aside, the court shall render judgment of reversal, and for the costs that have accrued up to that time, in favor of the plaintiff in error, and award execution therefor; and the cause shall be retained by the court for trial and final judgment, as in cases of appeal: Provided, that when such judgment of the justice shall be reversed or set aside for the reason that such justice had no jurisdiction of the plaintiff in

Proceedings
on reversal,
&c., of judgment or order.

Proceedings
on reversal
of judgment
by justice.

error, or of the subject matter of the action, such cause shall not be retained by the court.

Parties in actions concerning real property.

SEC. 9. That section five hundred and fifty-seven of the code of civil procedure be amended so as to read as follows:

Section 557. (DLVII.) An action may be brought by any person in possession, by himself or tenant, of real property, against any person who claims an estate or interest therein adverse to him, for the purpose of determining such adverse estate or interest. In all actions brought for the recovery of purchase money of real estate, by vendor against vendee, it shall be competent for such vendee, notwithstanding his continued possession, to set up, by way of counter claim, any breach of the covenants of title acquired by him from the plaintiff, and to make any and all persons claiming any adverse estate or interest therein parties to the cause; and upon the hearing he shall be entitled to recourse against the plaintiff's demand [for] the present worth of any existing lien or incumbrance thereon, and if the adverse estate or interest of the said claimants shall be an estate in reversion or remainder, or contingent upon a future event, the court may, at its discretion, require the vendee to surrender the possession to his vendor, upon the repayment of so much of the purchase money as shall have been paid thereon, with interest, or it may direct the payment of the purchase money claimed in the action, upon the plaintiff's giving bond in double the amount thereof, with two or more sureties, to be approved by the court, for the repayment of the same, with interest, if the defendant his privities of contract shall subsequently be evicted by reason of said defect.

Sections repealed.

SEC. 10. That said original sections twenty-eight, one hundred and eighty-one, three hundred and thirteen, as amended by act of March 31, 1864, as amended April 15, 1867, three hundred and fourteen, as amended February 16, 1866, three hundred and seventy-four, as amended by an act of March 29, 1859, five hundred and seventeen, five hundred and twenty-six, five hundred and thirty-two, and five hundred and fifty-seven, be and the same are hereby repealed.

SEC. 11. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

LOCAL AND SPECIAL ACTS.

AN ACT

To authorize the trustees of Twin township, Preble county, to levy a tax for bridge purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Twin township, Preble county, be authorized to levy a tax, not exceeding two thousand dollars, on the taxable property within the limits of said township, to assist in building a bridge across Twin creek, where the free turnpike road leading from Breenersville, in Preble county, to Pymont, in Montgomery county, crosses said creek in said township; and said trustees shall certify the amount, not exceeding two thousand dollars, to the county auditor, who shall place the same on the tax duplicate for said township, to be collected as other taxes, and paid to the proper township officers, to be expended for the purpose for which it was created.

SEC. 2. This act shall take effect on its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed February 10, 1870.

AN ACT

To amend section one of an act entitled "an act to authorize the commissioners of Montgomery county to erect a building to contain court rooms, county offices, and for other purposes," passed and took effect February 25, 1869. (O. L., vol. 66, p. 359.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act be so amended as to read as follows:

Section 1. That the commissioners of Montgomery county be and they are hereby empowered to erect a building of such dimensions as they may deem best for the interests of the county, upon the lot next north of the court house, in the city of Dayton, to contain court rooms, business rooms, halls and offices, at a cost not to exceed one hundred thousand dollars: Provided, that before said commissioners shall proceed to erect such building, the question shall be submitted to a vote of the people of said county, at an annual election; and if a majority of the votes cast at said election shall be in favor of a tax to be levied for such purpose, then said commissioners shall be fully authorized to proceed as before stated. And the voter shall have placed on his ticket: tax for public building; or, no tax

for public building; but all tickets that do not contain a vote on the question so submitted, shall not be counted in the aggregate of votes provided for; and the several boards of election shall, forthwith after such election, certify the result to the county commissioners.

SEC. 2. That section one of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed February 10, 1870.

AN ACT

Supplementary to an act "to provide for locating, establishing and constructing ditches and drains in Hog Creek Marsh, in Hardin county, Ohio," passed April 15, 1867. (O. L., vol. 64, page 305.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Hardin county be and they are hereby authorized to make contracts for the construction of a proper outlet, sufficient to drain said marsh, down the channel of Hog creek, and that they are authorized to obtain by grant, or take possession, from the owner or owners of lands through which said ditch will pass, the right of way, and to take the stone out, necessary to the construction of said ditch, and dispose of the stone to the best advantage, the proceeds to apply on the cost of the same and the removing thereof.

SEC. 2. And when said commissioners and the owner or owners of said lands so appropriated, or of the said stone, fail to agree as to the amount of compensation, then the same shall be ascertained and adjusted by said commissioners, under the laws now in force providing for the compensation for private property appropriated to public use. Said commissioners are hereby authorized to employ a competent surveyor and engineer, whose fees shall be the same per day as are provided by law in like cases, who shall discharge the duties of surveyor and engineer until discharged, or his successor is appointed by said commissioners.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed March 1, 1870.

AN ACT

To amend section 1 of an act entitled "An act to authorize the trustees of Harrison township, Champaign county, Ohio, to levy a special tax," passed March 24th, 1869. (O. L. vol. 66, page 374.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above named act, passed March 24th, 1869, be amended so as to read as follows:

Section 1. That the trustees of Harrison township, Champaign county Ohio, be and they are hereby authorized to levy on the taxable property of said township for the year 1870 or 1871, at such rate of taxation as may be necessary to raise a sum sufficient to pay the judgments and costs in the case of Cook against Craig and Wilson, rendered at the November term, 1869, of Champaign county common pleas court, on second trial, to pay for sundry recruits credited to said township as its quota under the draft of 1864.

SEC. 2. That said original section 1 of said act, passed March 24th, 1869, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its assage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Passed March 1, 1870.

AN ACT

To authorize the trustees of Crane township, Paulding county, to to levy a tax for bridge purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Crane township, Paulding county, be and they are hereby authorized to levy a tax of five mills on all the taxable property of said township, for the term of two years, for the purpose of aiding in building a bridge across the Maumee river, at a point on said river where the road running north from Cecil station, on the Toledo, Wabash and Western railway, crosses said river in section two: Provided, that the levying of said tax by the trustees aforesaid shall first be determined by a majority of all the votes cast at the next annual township election on the first Monday in April after the passage of this act; and such levy, when so made, shall be certified by the trustees to the county auditor, on or before the first day of June, and shall be by him placed upon the duplicate of taxes for said county; and the same shall be collected and be paid over to the treasurer of said township, and shall be subject to the order of the commissioners of said county for that specific purpose, and for no other.

SEC. 2. The trustees of said township shall give notice to the qualified electors thereof, at least ten days prior to the election aforesaid, by posting up notices in five places in said township, to vote for or against said tax.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Passed March 1, 1870.

AN ACT

To amend section five of an act entitled "An act regulating the Commercial Hospital of Cincinnati," passed March 11, 1861, (O. L. vol. 58, page 151,) and the name of said Hospital has since been changed to "Cincinnati Hospital."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section five (5) of said act be so amended as to read as follows:

Section 5. It shall be the duty of the faculty of the Medical College of Ohio to visit and attend the patients in said hospital, and to render them proper medical and surgical advice and service without compensation therefor; in consideration of which, said faculty shall have the privilege of introducing the pupils of said college into said hospital, under such regulations as the trustees may prescribe, to witness the medical and surgical treatment of patients. The trustees may make such provisions as to them may seem advisable for medical and surgical advice and service to said patients additional to or other than that rendered by said faculty; but no compensation shall be paid therefor, except to medical attendants resident in the hospital. The trustees may in their discretion, and under such regulations as they may prescribe, admit medical students, not pupils of said college, to witness the medical and surgical treatment of patients in said hospital. The trustees shall have the power, whenever they may deem it for the welfare of said patients so to do, to dismiss the faculty of said college from attendance on said hospital. The trustees may affix to the introduction or admission into said hospital of the pupils of said college, or other medical students, such fee as they may deem proper; but the same shall be alike as to all, and shall be paid to the treasurer of the city of Cincinnati, and be used as a fund for establishing and maintaining a medical library and museum for said hospital; and the said board of trustees shall, from time to time, appropriate and apply said fund for the purchase of a library of scientific books and specimens, and illustrations directly connected with, and collateral to, the cultivation of medical and surgical science; which shall be open, at reasonable hours, to all physicians of the city of Cincinnati, and to all such pupils and medical students admitted to the privileges of said hospital, as aforesaid, free of charge.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

J. C. LEE,

President of the Senate.

Passed March 1, 1870.

AN ACT

To provide for a special election in the incorporated village of Caldwell, in the county of Noble.

WHEREAS, The village of Caldwell, in the county of Noble, was, on the fourth day of February, 1870, incorporated; and,

WHEREAS, There is not time enough from that date to the first Monday in April, 1870, to allow of an election on that day, as required by law; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the voters in said village of Caldwell to hold an election for officers of said village on any day within thirty days after said first Monday of April, 1870; and said officers so elected shall have all the powers and perform all the duties, and be subject to all liabilities, as though elected on the first Monday of April, 1870: Provided, that the term of said officers shall expire at the same time that they would have expired had the election been held on the first Monday of April, 1870; and thereafter all elections shall be held in said village as now provided by law for such elections.

SEC. 2. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed March 2, 1870.

AN ACT

To extend the time for payment of school lands in Section No. Sixteen, in Green township, Hamilton county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a further period of five years from the day the respective installments became due, be and the same is hereby given to the purchasers of lands in school section number sixteen, in Green township, Hamilton county, Ohio, for the payment of the principal of the purchase money thereof: Provided, that the interest and taxes thereon shall be punctually paid according to law; and provided further, that the auditor of said county may, at any time, require additional security for the payment of the principal and interest, if in his opinion the public interest may require it.

SEC. 2. This act shall take effect and be in force from and after its passage.

J. R. COCKERILL,
Pro tem. Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed February 19, 1870.

AN ACT

To authorize the town council of the incorporated village of Covington, Miami county, to sell a certain lot in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the incorporated village of Covington, Miami county, Ohio, be and they are hereby authorized and empowered to sell, as hereinafter provided, lot number thirty-five, in said village, known as the old grave-yard lot.

SEC. 2. That said town council, or their successors in office, are hereby authorized and empowered, on giving thirty days notice, by posting up in five public places in said village, a written notice, giving the time and place of said sale to sell said lot on such terms as said council may prescribe, and the mayor of said village is hereby authorized and empowered to execute and deliver to the purchaser, a deed in fee simple for said lot.

SEC. 3. That it shall be the duty of the mayor of said village to purchase a lot in the Covington cemetery, and cause the remains of such persons as are buried on said lot number thirty-five, to be removed thereto and be reinterred; and after paying the expense of such sale, purchase and removal, the balance of the proceeds of the sale of said lot number thirty-five, shall be paid to the treasurer of the Covington Union School District, and used for school purposes.

SEC. 4. This act to be in force from and after its passage.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

J. C. LEE,

President of the Senate.

Passed March 12, 1870.

AN ACT

To enable the board of education of Napoleon, Henry county, Union School District, to borrow money to build a school house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the union school district of Napoleon, Henry county, Ohio, for the purpose of raising money to build a school house, be and they are hereby authorized to issue bonds of the said district of Napoleon, Henry county, Ohio, in sums of not less than one hundred dollars each, and not to exceed in the aggregate thirty thousand dollars, and at a rate of interest not exceeding ten per centum per annum, interest payable semi-annually; said bonds to be made payable in a period of time not exceeding ten years, and redeemable at the pleasure of the board at any time after three years.

SEC. 2. Said bonds shall be signed by the president of the board and attested by the secretary, who shall also keep a record of all bonds issued, to whom issued and when payable, and said bonds shall be negotiable, but shall not be disposed of at less than their par value.

SEC. 3. That said board of education is hereby authorized, whenever it shall in their opinion become necessary, to levy a tax to pay said bonds or the interest thereon, to certify that fact to the auditor of Henry county; and said auditor shall cause such sum, so certified by said board to be necessary, to be levied upon the taxable property of said union school district, and the same shall be collected as other school taxes are or may be, and paid to the treasurer of said board: Provided that said sum so levied shall not exceed in any one year ten mills on the dollar of the valuation of the taxable property of said district, in addition to that now authorized by law to be raised for school and school house purposes; and provided further, that no levy shall be made to pay anything but the interest on said bonds before the year 1872.

SEC. 4. The money so raised shall be expended only for the erection and repair of school buildings.

SEC. 5. This act shall take effect and be in force from its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Passed March 12, 1870.

AN ACT

To authorize the board of education of Olive township, Meigs county, Ohio, to levy a tax to pay an existing debt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Olive township, in Meigs county, be and they are hereby authorized to levy a tax of fifteen hundred dollars upon the taxable property of said Olive township, and cause the same to be placed on the duplicate of said Meigs county for collection in the year A. D. 1870, for the payment of an existing debt of fifteen hundred dollars against said board; which tax shall be collected as other taxes upon said duplicate, and when collected shall be paid over to the treasurer of said township, to be paid out on the order of said board of education for the liquidation of said debt.

SEC. 2. This act to take effect and be in force on and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives
 J. C. LEE,
President of the Senate.

Passed March 12, 1870.

AN ACT

For the relief of the bondsmen of D. D. McCahan, late sheriff of Hancock county, Ohio.

WHEREAS, D. D. McCahan, late sheriff of Hancock county, Ohio, proved a defaulter in the sum of from four to six thousand dollars in his said office; and

WHEREAS, By a decision of the district and common pleas courts, within and for the said county of Hancock, a portion of the bondsmen of said sheriff were relieved from all liability on said bond, leaving but two or three of said sureties to pay said defalcation; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hancock county, Ohio, are hereby authorized to submit to the qualified electors of said county, at their regular election on the fourth day of April, A. D. 1870, the question of levying a tax sufficient to pay said defalcation; and upon an affirmative vote of a majority

of those voting at said election, said commissioners shall cause to be levied on the taxable property of said county a sufficient sum of money to refund to said bondsmen the amount they are compelled to pay on said bond.

SEC. 2. This act to take effect from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed March 17, 1870.

AN ACT

To provide for the sale of lands laid out as commons in the village of Jefferson, in the county of Ashtabula, and state of Ohio, and for the purchase of a public park.

WHEREAS, In the original plat of the village of Jefferson, in the county of Ashtabula, and state of Ohio, at the crossings of Sycamore and Erie streets, and of Jefferson and Elm streets, and of Chestnut and Erie streets, and of Jefferson and Market streets, and of Jefferson and Cucumber streets, and of Chestnut and Ashtabula streets, and of Sycamore and Ashtabula streets, the corners abutting upon said streets were laid out as commons; and

WHEREAS, Said commons so laid out can not be improved so as to subserve any purpose of ornament of public utility; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the mayor and council of said village of Jefferson are hereby authorized and empowered, with the assent of the owners of property adjoining said commons, to make sale of said commons at private sale. And upon sale so made, and payment to the treasurer of said village of the purchase money, the mayor of said village is hereby authorized to make deeds of conveyance to the purchasers of said commons.

SEC. 2. The mayor and council of said village are hereby authorized to purchase grounds suitable for a public park, and the money so arising from the sale of said commons shall be appropriated towards payment thereof.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed March 18, 1870.

AN ACT

For the relief of Edward Patchin, late treasurer of Geauga county.

WHEREAS, It is represented Edward Patchin, late treasurer of Geauga county, was, at his office, in said county, on the fourteenth day of December, 1867, violently assaulted by some person or persons unknown, and while in a state of insensibility robbed of the sum of twelve hundred dollars of the funds of said county in his charge; and

WHEREAS, The officers and a large number of the tax-payers and voters of said county represent that said robbery was not due to any fault, complicity or negligence on the part of said Patchin, and ask that he and his sureties be relieved from the payment of said sum of money so stolen; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Geauga county, Ohio, on being satisfied that the above recitals are true, and that a majority of the tax-payers of said county approve the discharge of said Edward Patchin, late treasurer of Geauga county from said liability, said commissioners are hereby authorized to release Edward Patchin, and his sureties on his official bond as treasurer of said county, from the payment of said sum of twelve hundred dollars, stolen from said Edward Patchin on the 14th day of December, 1867, of the funds of said county of Geauga, in his charge, and enter said release on the minutes of said commissioners.

SEC. 2. This act shall take effect and be in force from and after its passage.

J. B. COCKERILL,
Speaker pro tem. of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed March 22, 1870.

AN ACT

To authorize the commissioners of Lawrence county to make compensation to Moses W. Davis for injuries inflicted upon him by an insane person.

WHEREAS, On the 15th day of June, 1863, one William D. Phillips, upon an inquest duly had before the judge of the court of probate for the county of Lawrence, in this state, was found to be an insane person, and placed in care of the sheriff of said county until he could be conveyed to the Central Lunatic Asylum; and

WHEREAS, On the 22d day of June, in said year, while said Phillips was in the custody of said sheriff, one Moses W. Davis, a resident of said county, was an acting deputy of said sheriff, charged with the care of said Phillips, and while so in the discharge of his duty, the said Phillips gave said Davis a violent blow upon one of his wrists, breaking the same, and thereby permanently injuring his hand by producing stiffness of the wrist joint and fingers; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of said county of Lawrence be and they are hereby authorized and empowered to make such compensation out of the county expense fund to said Moses W. Davis, for the said injuries, as they may deem reasonable and just.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed March 22, 1870.

AN ACT

To authorize the commissioners of Hamilton county to construct a bridge across Mill Creek, at Fairmount, and make the necessary approaches thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hamilton county are hereby authorized to construct a bridge across Mill Creek, at Fairmount, upon the abutments known as the "Timanus Bridge," and to make and complete all such embankments, excavations and approaches thereto as may be required, so as to afford the traveling public an easy, safe and secure crossing over said bridge, and over the track of the Cincinnati, Hamilton and Dayton railroad.

SEC. 2. That for the purpose of carrying into effect this act, it shall be lawful for said commissioners to appropriate any bridge fund, or transfer any surplus funds at their disposal, not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed March 23, 1870.

AN ACT

To provide for the sale of the southeast quarter of section 22, township 14, range 2, east, school land in Darke county, Ohio, assigned by the United States to original surveyed township 1, range 7, Miami River, in Montgomery county, Ohio.

WHEREAS, On the 8th September, 1843, the s. e. $\frac{1}{4}$ of sec. 22, t. 14, r. 2, east, in Darke county, Ohio, was assigned by the United States as school land, to original surveyed township number 1, r. 7, Miami River, for school purposes, the inhabitants of said township being, for a series of years, unaware of said grant, and having now no legal organization to proceed to the sale thereof, the school fund being under the control of the board of education of the city of Dayton, which owns 97-100 of said lands; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Dayton, Montgomery county, Ohio, be and they are hereby authorized to file a petition in the court of common pleas, in Darke county, Ohio, asking the court, without further showing, other than title in said original surveyed township, to cause said land to be appraised and sold under the provisions of "an act to regulate the sale of school land and the surrender of permanent leases thereto," passed April 16, 1852.

SEC. 2. This act shall take effect from its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed February 24, 1870.

AN ACT

To authorize the commissioners of the county of Muskingum to construct a free bridge across the Muskingum River, between the towns of Taylorsville and Duncan's Falls, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the county of Muskingum be and they are hereby authorized, if in their opinion it is expedient to do so, to construct a free bridge across the Muskingum River, immediately below the state dam, between the towns of Taylorsville and Duncan's Falls, in said county: Provided, that before they proceed to the construction of said bridge, the consent of the board of public works shall be first obtained thereto.

SEC. 2. In raising the necessary funds and in the construction of said bridge, said commissioners shall, in all respects, be governed by the provisions of the act entitled "an act authorizing county commissioners to purchase lands for the use of court houses, jails and county infirmaries, and erect buildings thereon; to build bridges," etc., passed April 27, 1869, (vol. 66, page 52, Ohio Laws).

SEC. 3. This act to take effect from and after its passage.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

J. C. LEE,

President of the Senate.

Passed March 25, 1870.

AN ACT

To authorize the trustees of Sugar Creek township, Greene county, to levy a tax to pay money borrowed by certain citizens of said township, for the purpose of procuring volunteers to fill the quota of the township, under the call of the president of the United States, December 19th, 1864.

WHEREAS, At a meeting of the citizens of said township, held in January, 1865, John M. Stake, Jacob Haynes, jr., and James Seal, were appointed a committee to procure volunteers to fill the quota of said township under said call, and to raise, by subscription or otherwise, the funds necessary to that end; and

WHEREAS, The above named committee, under said authority, borrowed, and gave their individual obligations for the payment of a sum amounting, on the 1st day of February, 1870, to \$645, for the purpose of paying bounties to volunteers, to fill the quota for said township; and

WHEREAS, Said persons expended said sum, together with funds derived from subscriptions, in payment of such volunteers, and thereby relieved said township of a draft; and

WHEREAS, More than three-fourths of the tax-payers of said township, have petitioned this general assembly for the passage of a law authorizing a tax to be levied on the taxable property of said township to pay said sum; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of said Sugar Creek township, Greene county, be and they are hereby authorized to levy, upon the taxable property of said

township, for the year 1870, a tax, sufficient to pay the said John M. Stake, Jacob Haynes, jr., and James Seal, the said sum expended as aforesaid, not exceeding \$645, with interest thereon, from February 1, 1870.

SEC. 2. This act shall take effect on its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Passed April 2, 1870.

AN ACT

To authorize the city council of the city of Xenia, in the county of Greene, to issue bonds to aid in re-building the bridges in said city, that were injured or destroyed by the recent freshet, in January, of 1870.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Xenia, in the county of Greene, in the state of Ohio, for the purpose of enabling said city to repair or build anew, as may be deemed best, the bridges over Shawnee run, in said city, which were partially or wholly destroyed by the recent freshet and heavy rains of January, 1870, are hereby authorized and empowered to issue the bonds of said city, in such amount, in the aggregate, as shall be found necessary to meet the expenses of repairing or building anew said bridges as aforesaid, and no more: Provided, the aggregate amount of said bonds shall, in no event, exceed such amount as might be raised by an annual levy in each year of the period hereinafter named, that said bonds shall have by their terms to run, of one mill and one-fourteenth of a mill, upon the dollar valuation of the taxable property of said city, at its present valuation as appears by the duplicate of said city at the present time.

SEC. 2. Said bonds shall be made payable in equal annual payments running from two to seven years from the date thereof, and bearing interest at a rate not exceeding eight per cent. per annum, payable annually; which bonds shall not be sold for less than their par value, and shall be paid as they become due, with the interest thereon, from the bridge tax levied or to be levied in pursuance of law within the period aforesaid, that said bonds or any of them by their terms aforesaid shall have to run, which amount or so much thereof as may be found necessary for the purpose of paying said bonds and the interest accruing thereon and no more, is hereby authorized and required to be set apart and used for said purpose, as said bonds and interest by the terms thereof shall become due and payable: Provided, that the sum total so to be paid as aforesaid, shall in no event exceed the amount of bridge tax levied or to be levied in pursuance of law within said period upon the taxable property of said city.

SEC. 3. The bonds provided for in the preceding sections of this act shall be issued in such sums or denominations as said city council may determine, subject to the provisions aforesaid.

SEC. 4. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Passed April 2, 1870.

AN ACT

To authorize the board of education of the incorporated village of Washington, Guernsey county, to increase their levy for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the incorporated village of Washington, in Guernsey county and the territory thereto annexed for school purposes, be and they are hereby authorized and empowered, annually hereafter, to increase their levy one-half mill on the dollar for school purposes.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed April 2, 1870.

AN ACT

To authorize the commissioners of Licking county to levy a tax for the purpose of purchasing additional ground, making permanent fixtures, and general improvement of the Licking County Agricultural Fair Grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Licking county be and they are hereby authorized and empowered to levy, on the grand duplicate of said county, a sum not exceeding one-half mill on the dollar of all the taxable property of said county, for the purchase of additional ground and general improvement of the fair grounds of Licking county agricultural society.

SEC. 2. It shall be the duty of the board of directors of said agricultural society to certify to the county auditor, on or before the first Monday of June next, after the passage of this act, the amount necessary to be expended for such improvement, not exceeding the amount authorized to be levied by the first section of this act, which amount so certified, shall, by said auditor, be placed on the grand duplicate of said county, and collected by the treasurer of said county in the same manner as state and county taxes are collected.

SEC. 3. When the collection is made by the treasurer as aforesaid, at his semi-annual settlement for the taxes of said year, the auditor of said county shall issue his order, for the sum so collected, to the treasurer of said agricultural society, on his filing with such auditor an undertaking in double the amount so collected, with good and sufficient surety to be approved by the commissioners of said county, conditioned for the faithful paying over and accounting for all funds that may come into his hands by virtue of the provisions of this act.

SEC. 4. All grounds and improvements purchased and made as aforesaid, and all grounds owned by said agricultural society as sites whereon to hold their fairs, shall be under the exclusive control and management of the board of directors of said agricultural society; and should said society be dissolved or cease to exist, all of said grounds and improvements so owned by such society, shall vest in fee in said county of Licking.

SEC. 5. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Passed April 2, 1870.

AN ACT

For the relief of James S. Chandler, treasurer of Erie county.

WHEREAS, On the night of December 10, 1869, the office of the county treasury, in the court house of Erie county, at Sandusky, was entered by burglars, by means of false keys, and the vault of said treasury forced open, and a large safe in said vault blown to pieces, by the use of nitro-glycerine, as is supposed, and the safe robbed of the sum of \$954.45, the said treasurer having been guilty of no fault or neglect in the premises; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Erie county are hereby authorized, if satisfied that the circumstances and facts in the case justify the same, to direct the auditor of said county to credit James S. Chandler, treasurer of Erie county, on the books of the auditor, with the \$954.45 so stolen.

SEC. 2. This act shall be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Passed April 2d, 1870.

AN ACT

To authorize the board of education of the township of Richfield, in the county of Summit, and state of Ohio, to borrow money to construct a central high school building.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the township of Richfield, in Summit county, Ohio, be and it hereby is authorized and empowered, for the purpose of building and furnishing a central high school house in said township, to borrow the sum of eight thousand dollars, for the term of not to exceed ten years, and at a rate of interest not to exceed eight per cent. per annum, payable semi-annually; and said board may issue its bonds

for the payment of the money so borrowed, payable at such times within said ten years as it shall deem best.

SEC. 2. That said board of education is hereby authorized, whenever it shall in their opinion become necessary to levy a tax to pay said bonds or the interest thereon, to certify that fact to the auditor of said Summit county; and said auditor shall cause such sum, so certified by said board to be necessary to be levied upon the taxable property of said township, except sub-district No. 7 in said township, and the same shall be collected as other school taxes are or may be, and paid to the treasurer or other proper officer of said board: Provided, that said sum so levied shall not exceed, in any one year, two mills on the dollar of the valuation of the taxable property of said township in addition to that now authorized by law to be raised for schools and school-house purposes.

SEC. 3. The bonds authorized to be issued by this act shall be signed by the president of the board and attested by the secretary, who shall also keep a record of the same.

SEC. 4. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed April 2, 1870.

AN ACT

To authorize the board of education of the township of Cuyahoga Falls, in the county of Summit, state of Ohio, to borrow money.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the township of Cuyahoga Falls, in Summit county, Ohio, be and it is hereby authorized and empowered, for the purpose of building and furnishing a union school house in said township, to borrow the sum of eighteen thousand dollars, for the term of not to exceed four years, and at a rate of interest not to exceed ten per cent. per annum; and said board is also authorized to issue its bonds for the payment of the money so borrowed, payable at such times within said four years as it shall deem best.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed April 6, 1870.

AN ACT

Authorizing the commissioners of Holmes county to levy a tax to purchase fair grounds for the agricultural society of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Holmes county be and they are hereby author-

thorized to levy, on the grand duplicate of said county, at their June session for the years 1870, 1871 and 1872, a sum sufficient, not exceeding one-third mill on the dollar, for each of said years, of the taxable property in said county, for the purchase and improvement of fair grounds for the agricultural society of said county.

SEC. 2. It shall be the duty of the board of directors of said agricultural society, to certify to the county auditor, on or before the first Monday in June, in each of the above years, the amount necessary to be expended during the current year, for such purchase and improvement, not exceeding the amount authorized to be levied by the first section of this act, which amount, so certified, shall, by said auditor, be placed on the grand duplicate of said county, and collected by the treasurer of said county in the same manner as state and county taxes are collected.

SEC. 3. When the collection is made by the treasurer, as aforesaid, in each year, at his semi-annual settlement for the taxes of said years, the auditor of said county shall issue his order for the sum so collected, to the treasurer of said agricultural society, on his filing with such auditor an undertaking in double the amount so collected, with good and sufficient sureties, to be approved by the auditor, conditioned for the faithful paying over and accounting for all funds that may come into his hands by virtue of the provisions of this act.

SEC. 4. All grounds and improvements purchased and made as aforesaid, shall be under the exclusive control and management of the board of directors of said agricultural society; and should said society be dissolved and cease to exist, all of said grounds and improvements shall vest in fee in said county of Holmes.

SEC. 5. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. O. LEE,
President of the Senate.

Passed April 6, 1870.

AN ACT

To authorize the commissioners of Preble county to levy a tax to pay for improvements made on the fair grounds of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Preble county be authorized to levy a tax, not exceeding eighteen hundred dollars, on the taxable property of said county, to pay for improvements heretofore made by the Preble county agricultural society on the fair grounds of said county.

SEC. 2. That the tax which shall be levied under the first section of this act shall be placed by the auditor of said county on the grand duplicate, and collected by the treasurer in the same manner as state and county taxes are collected.

SEC. 3. That when the collections shall have been made by the treasurer, the auditor shall issue his order for the sum so collected, to the treasurer of said county agricultural society, on his filing with such auditor an undertaking in double the amount so collected, with good and sufficient surety, to be approved by the auditor, conditioned for the faith-

ful paying over and accounting for all funds that may come into his hands by virtue of the provisions of this act.

SEC. 4. This act shall take effect on its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed April 6, 1870.

AN ACT

To authorize the trustees of Huntington township, in Gallia county, Ohio, to levy a tax to pay for improvements made on public highways.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Huntington township, in Gallia county, Ohio, be and they are hereby authorized to levy a tax of one hundred and fifty dollars upon the taxable property of said Huntington township, and cause the same to be placed on the duplicate of said Gallia county, for collection in the year 1870, for the payment of repairs and improvements which have been heretofore made on the public highways in said township, which tax shall be collected as other taxes upon said duplicate, and when collected shall be paid over to said trustees, and be by them applied to the payment of obligations which have heretofore been contracted for repairs and improvements made on the public highways within said Huntington township, and for no other purpose whatever.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Passed April 6, 1870.

AN ACT

Providing for the erection of a jail in Trumbull county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Trumbull county be, and they are hereby empowered to raise, by tax, in one or more annual levies, as they may determine, a sum not exceeding forty-five thousand dollars, for the purpose of building a jail north of the court house, on a lot owned by the county, in the city of Warren.

SEC. 2. That in anticipation of said tax, said commissioners may, in their discretion, issue the bonds of said county, in such sums as they may deem proper, not to exceed the amount of forty-five thousand dollars, at an interest not exceeding eight per cent. per annum, payable annually, and dispose of the same at not less than their par value, and appropriate the proceeds to the building of said jail; said bonds and the interest thereon to be paid from the tax thus anticipated.

SEC. 3. Provided, that before said commissioners shall proceed to erect such jail or levy such tax, the question shall be submitted to the electors of said county, at some regular election held in said county, and if a majority of the votes cast at said election upon this question of erecting a jail shall be in favor of a tax being levied for said purpose, then said commissioners shall be fully authorized to proceed to erect said jail as before stated.

SEC. 4. And the elector shall have written or printed, or partly printed and partly written, the words "tax for new jail," or, "no tax for new jail," on his ballot; and if a majority of all the electors of Trumbull county voting at said election upon this question, shall vote tax for new jail, this act shall thereupon be considered and holden to be adopted by such majority.

SEC. 5. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Passed April 6, 1870.

AN ACT

To establish the village of Orangeville, Trumbull county, Ohio, as a separate election precinct.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all the territory embraced within the limits of the incorporated village of Orangeville, Trumbull county, shall hereafter be held to constitute a separate election district, for all state, county and municipal elections. The common council of the village shall be the judges of said elections, and shall be governed by the same laws, rules and regulations governing township trustees in like duties.

SEC. 2. This act to be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Passed April 6, 1870.

AN ACT

To amend section four of an act entitled "an act to authorize the board of education of the incorporated village of Wilmington to borrow money, purchase a site and erect a school house, and to transfer the present school house to the corporate authorities of said village, for a market house and town hall," passed April 13, 1868. (O. L. vol. 65, pp. 249, 250.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four of the above entitled act be and the same is hereby so amended as to read as follows:

Section 4. Said board of education are hereby authorized and empowered to sell at public auction to the highest and best bidder, and on such terms of payment as said board may determine, the old school house belonging to said incorporated village, with the lot on which the same is situate, on Locust and Mulberry streets in said village, after first advertising the same for sale in one of the newspapers printed and published in said village, for four consecutive weeks. The deed of conveyance of said real estate to the purchaser thereof, will be sufficiently executed when signed and acknowledged as a deed before an officer having power to take acknowledgment of deeds in said county, by the president of said board, and countersigned by the secretary, and the said board are authorized and required to apply the proceeds of the sale of said house and lot, when received, in payment of indebtedness authorized by this act.

SEC. 2. The said original section four is hereby repealed, and this act shall be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Passed April 6, 1870.

AN ACT

To authorize the Board of Public Works to restore a portion of Water street, in the town of West Zanesville, where the same has been destroyed by flood, in consequence of the construction of a state dam at that point; and to construct a levee and embankment to protect the same from further injury.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works are hereby authorized and directed to cause the necessary repairs to be made to the street and levee along the bank of the Muskingum river, in the town of West Zanesville, in the county of Muskingum, where the same has been partially destroyed or severely injured by high water in consequence of the construction of a state dam at that point across the Muskingum river.

SEC. 2. Said repairs shall be so constructed as that the roadway of said street, between the levee on one side and sidewalk on the other, shall not be less than thirty-three feet in width; and said levee and embankment to be well protected by a substantial stone-slope wall.

SEC. 3. Said board of public works are authorized to let the whole or any part of said work by contract to the lowest responsible bidder, or cause the same to be done under the supervision of some judicious and competent superintendent, as they may deem best for the interests of the state.

SEC. 4. To enable the board of public works to carry into effect the provisions of this act, a sum of money, not exceeding three thousand dollars, is hereby appropriated, to be drawn from the canal fund on the certificate of said board.

SEC. 5. This act to be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Passed April 6, 1870.

AN ACT

To amend an act for the relief of Moses W. Davis, passed April 15, 1868. (O. L. 1868, page 251.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act be so amended as to read as follows:

Section 1. The trustees of Upper township, Lawrence county, Ohio, are hereby authorized and required to levy a tax upon all the taxable property of said township, not exceeding the sum of one thousand two hundred and seventy-one dollars and forty-six cents (\$1,271.46), to be applied to the reimbursement of the said Moses W. Davis.

SEC. 2. The first section of the above recited act, of which this is amendatory, is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

J. R. COCKERILL,
Pro tem. Speaker of the House of Representatives.
SAM'L F. HUNT,

Passed April 12, 1870.

President pro tem. of the Senate.

AN ACT

To authorize the county commissioners of Tuscarawas county to appropriate certain moneys to the building of a new jail.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of Tuscarawas county shall immediately deliver to the county commissioners of said county all securities and demands held by him for the fund accumulated in said county by investment of interest upon surplus revenue; and said commissioners are hereby authorized to sue for, collect, compound and discharge such securities and demands upon such terms as they shall deem best for the interests of said county; and all moneys realized from such securities and demands shall be paid to the treasurer of said county, and shall be charged to him, and shall be paid out by him as hereinafter provided.

SEC. 2. That the county commissioners of said county are hereby authorized to appropriate all moneys realized from such securities and demands, and all moneys in the treasury of said county constituting part of said fund, to the building of a new jail for said county; and such money shall be, from time to time, paid out by the treasurer of said county, upon the order of the auditor of said county, drawn by the direction of such county commissioners.

SEC. 3. This act shall take effect and be in force from and after its passage.

J. R. COCKERILL,
Pro tem. Speaker of the House of Representatives.
SAM'L F. HUNT,

Passed April 12, 1870.

President pro tem. of the Senate.

AN ACT

To authorize the board of education of the incorporated village of Washington, Fayette county, Ohio, and territory annexed for school purposes, to levy a special tax to pay certain indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the incorporated village of Washington, in the county of Fayette, Ohio, and territory thereto annexed for school purposes, be and it is hereby authorized to levy a special tax (in addition to the taxes now authorized by law) upon all the taxable property in said village and territory thereto annexed for school purposes, for the years A.D. 1870 and 1871, not exceeding two mills on the dollar, for the purpose of enabling said board to liquidate and pay its existing indebtedness.

SEC. 2. This act shall take effect and be in force from and after its passage.

J. R. COCKERILL,

Pro tem. Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Passed April 12, 1870.

AN ACT

To authorize the board of education of the city of Columbus to borrow money and issue bonds to build school houses in said city of Columbus.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Columbus be and the same is hereby authorized to borrow fifty thousand dollars, for the purpose of erecting school houses in said city of Columbus.

SEC. 2. That, for the purpose aforesaid, the said board of education is hereby authorized and empowered to issue bonds, to be signed by the president and attested by the secretary of said board, in sums of not less than five hundred nor more than one thousand dollars, bearing interest at a rate not exceeding eight per cent. per annum, said bonds to be payable at any time within eight years: Provided, that said bonds shall not be sold for less than their par value.

SEC. 3. The said board of education is hereby empowered to levy a tax annually on all the taxable property within said city of Columbus sufficient to pay said bonds, together with the interest thereon, as they fall due, which levy shall be placed on the tax duplicate by the auditor of said county, and collected as other taxes.

SEC. 4. This act to be in force from and after its passage.

J. R. COCKERILL,

Pro tem. Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Passed April 12, 1870.

AN ACT

To authorize the commissioners of Butler county to borrow money on the bonds of the county, and to secure the payment of moneys due to it.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the county of Butler be and they are hereby authorized to issue the bonds of said county, bearing a rate of interest not to exceed eight per cent. per annum, and to dispose of the same, from time to time, and in such amounts as may be necessary to discharge the existing liabilities of the said county, and to defray its current expenses: Provided, that the aggregate amount of such bonds shall not exceed fifty thousand dollars.

SEC. 2. Said commissioners are further authorized to secure all or any portion of the claims the said county may have against individuals, growing out of or in any manner connected with the defalcation of the late treasurer of said county, by taking notes for the same, bearing interest not exceeding the rate of eight per cent. per annum, secured by mortgage on real estate or otherwise: Provided, that the sureties on the official bonds of the late defaulting treasurer shall first file with the said commissioners their written assent to the taking of such notes and mortgages, and their agreement that such procedure shall in no manner operate to discharge them from their respective liabilities on said official bonds; provided further, that nothing in this act shall impede, debar or in any manner operate as a discharge or release of any prosecution against said defaulting treasurer, his sureties, aiders or abettors, in any suit that may have been, or may hereafter be, commenced against him, or any of them, to a final judgment.

SEC. 3. This act shall take effect and be in force from and after its passage.

J. R. COCKERILL,
Pro tem. Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 12, 1870.

'AN ACT

To authorize the commissioners of Athens county to invest certain funds in the bonds and stocks of the United States and of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Athens county be and they are hereby authorized and empowered to invest, in the bonds and stocks of the United States and of the state of Ohio, the fund now in the treasury of said county, or that may hereafter come into the said treasury, in pursuance of a levy made for the purpose of paying off the railroad debt of the said county when the same shall fall due, until such time as the said fund may be needed for the purpose for which the same was levied and collected.

SEC. 2. That this act shall take effect and be in force from and after its passage.

J. R. COCKERILL,
Pro tem. Speaker of the House of Representatives.
 SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 12, 1870.

AN ACT

To authorize the trustees of "Pomeroy Academy," of the city of Pomeroy, Meigs county, Ohio, to sell the real estate belonging to said Pomeroy Academy, and apply the proceeds arising from such sale.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the Pomeroy Academy, located at the city of Pomeroy, Meigs county, Ohio, be and they are hereby authorized and empowered to sell the real estate now owned by said Pomeroy Academy, in the city of Pomeroy, Meigs county, Ohio, together with all the appurtenances thereto belonging, either at public or private sale, as to said trustees may seem best, and upon such terms as in the judgment of said trustees shall be to the best interest of said academy.

SEC. 2. Upon such sale as provided for in the first section of this act, said trustees are hereby authorized and empowered to make, execute and deliver to the purchaser or purchasers of said property, a deed or deeds conveying the property so sold, to the person or persons so purchasing, and such deed or deeds shall convey all the interest of the said Pomeroy Academy therein to such purchaser or purchasers.

SEC. 3. The said trustees of said Pomeroy Academy are further authorized and required to secure the payment of the deferred payments, if any there be, arising from the sale of said property, by mortgage upon said property.

SEC. 4. Said trustees of the Pomeroy Academy are hereby authorized to select and procure a site for the erection of suitable buildings for a school as is meant and implied by the act of incorporation of said Pomeroy Academy; and they, the said trustees, are hereby authorized and required to apply the money or obligations realized in the sale of the real estate mentioned in section one of this act, to and for the purchase of such site, and the erection of such buildings thereon as to them may seem best.

SEC. 5. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 14, 1870.

AN ACT

To authorize the trustees of Sharon township, and town council of the incorporated village of Worthington, Franklin county, Ohio, to levy a tax to build a town hall, and to borrow money for said purpose.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the trustees of Sharon township, Franklin county, Ohio, be and they are hereby authorized to levy on the taxable property of said township any sum not exceeding three thousand dollars, one-half for the year 1870, and the other half for the year 1871, for the purpose of building a town hall, to be located near to or within the limits of the incorporated village of Worthington, in said township.

SEC. 2. That the town council of the said incorporated village of Worthington, if they deem it advisable to do so, be and they are hereby authorized to levy on the taxable property within the limits of said incorporated village, any sum not exceeding one thousand dollars, one-half for the year 1870, and the other half for the year 1871, to aid in the construction of said town hall, upon such terms and conditions as the said town council and the said trustees shall agree and determine to be equitable and just.

SEC. 3. That it shall be lawful for said trustees and town council, if they see proper to do so, to construct said town hall so as to accommodate Ark Lodge, No. 270, of the Independent Order of Odd Fellows, located at said town of Worthington, with suitable rooms and apartments therein, upon such terms and conditions as to them shall appear equitable and just.

SEC. 4. That when said several parties shall agree upon the terms and conditions in regard to the construction of said town hall, and assignment of the various apartments for their several accommodation, they shall reduce their said agreement to writing, under their hands and seals, the trustees and council in person, and said lodge by the trustees thereof, and acknowledge the same before some competent person authorized by law to take acknowledgments; and when so executed and acknowledged they shall cause the same to be entered of record in the recorder's office of said Franklin county, and the same thereafter shall be conclusive evidence of the terms of their said agreement and the right of said parties: Provided, the trustees and town council shall have the same power to make a contract with any person or persons, or lodge, as is granted to them in this act to make with Ark Lodge, No. 270, of the Independent Order of Odd Fellows.

SEC. 5. That said trustees and town council of said incorporated village of Worthington shall, on or before the first day of May, A. D. 1870, certify to the auditor of said Franklin county the levies so made by them by virtue of this act, and the said auditor shall enter one-half of each for the year 1870, and the other remaining half of each for the year 1871, on the grand duplicate of said county, to be collected by the treasurer of said county as other taxes are collected, and when so collected the same shall be paid over by the treasurer upon the warrant of the auditor to said trustees and town council.

SEC. 6. That to facilitate the construction of said town hall, said trustees and town council be and they are hereby authorized to borrow money

upon the faith of said levies, and to issue bonds therefor at a rate of interest not exceeding eight per centum per annum.

SEC. 7. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 14, 1870.

AN ACT

To prescribe the corporate limits of the city of Cincinnati.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the corporate limits of the city of Cincinnati shall be as follows: Commencing at the mouth of the Little Miami river, thence north-eastwardly along the east bank of said river to the south line of section 15, town 4, frac. range 2; thence west with said south line of section 15 to the south-west corner of said section 15; thence north along the section line between sections 15 and 21 and sections 16 and 22, to the south-east corner of section 23; thence west with the section line between sections 22 and 23, sections 28 and 29, and sections 34 and 35, in town 4, frac. range 2, and the section line between sections 4 and 5, sections 10 and 11; thence north with east line of section 17 to south-east corner of section 18; thence with section line between sections 17 and 18, sections 23 and 24, sections 29 and 30, to south-east corner of section 36; thence south with the west line of section 29 to south-west corner thereof; thence by section line between sections 34 and 35, in town 3, frac. range 2, to the eastern boundary line of Green township; thence south with the eastern boundary lines of Green and Delhi townships to the north-east line of the incorporated village of Riverside; thence south-west with said north-east line of the incorporated village of Riverside to the Ohio river; and thence up the Ohio river to the place of beginning: Provided, that a majority of the qualified electors in the territory hereinbefore described, and without the corporate limits, and not forming a part of said city of Cincinnati at the date of the passage of this act, shall, at a special election to be held for that purpose, vote in favor of the annexation of said territory to such city; said election shall be held on the third Monday in May, A.D. 1870. The commissioners of Hamilton shall give ten days' public notice of said election in the daily papers in said city, and fix the place at which the same shall be held. Voters shall place upon their ballots "Annexation—Yes," or "Annexation—No;" and a return of the same shall be made by the judges of the election at each voting place to the clerk of the court of common pleas, who shall declare the result of said election; and in case a majority of the votes cast shall be in favor of annexation, he shall file with the clerk of the common council of said city a certified statement of the vote cast; and thereupon it shall be the duty of the said common council to cause to be made two accurate plats of said city, with the territory proposed to be annexed, and file one in the office of the sec-

retary of state and the other in the office of the recorder of Hamilton county.

SEC. 2. The jurisdiction of the city over the said territory not within its present limits, shall extend only to the apportionment of the same into wards, until the next annual election of municipal officers, if the same shall occur within three months after the division into wards, and until that time said territory shall be governed as it is at present. New wards may be created out of the said territory, or the same may be annexed to existing wards: Provided, that the number of wards in said city shall not exceed twenty-five (25). If the next annual election for municipal officers shall not occur within three (3) months after such division of said territory into wards can be made, then the city council of said city may order a special election of members of council therein, giving at least twenty (20) days' notice of the same, and the terms of the members then elected shall expire at the same time as if they had been elected at the preceding annual election of municipal officers. As soon as members of council from said territory have been elected and qualified, then the jurisdiction of said city shall extend over said territory for all purposes.

SEC. 3. So soon as may be after the territory shall be annexed to said city, it shall be the duty of the city council of said city, by an ordinance passed for that purpose, to divide the territory so annexed into wards, or incorporate the same, or any part or parts thereof, into some of the existing wards of said city, and to provide proper places for holding elections in any wards so created, and to appoint proper persons to act as judges of the first election in any such newly created wards. Such ordinance shall be published in two or more daily newspapers of general circulation in said city and territory at least ten days before the next annual election of municipal officers: Provided, said next annual election of municipal officers shall take place within three (3) months after such division into wards; but if said annual election shall not take place within that time, then said ordinance shall be published at least twenty (20) days before the special election in such newly created wards, as provided for in section two of this act.

SEC. 4. That so soon as the wards of said city shall have been established, as provided in the preceding section, it shall be the duty of the city council, by an ordinance, to divide said city into townships for the election of justices of the peace and constables by the qualified voters of such townships, and with the powers and duties pertaining to townships, the whole territory of which is comprised in the corporate limits of any city having a city infirmary established therein under existing laws, so far as the same are not inconsistent therewith. Said townships shall consist of not less than three (3) wards, and at least two justices and two constables shall be elected in each of such townships. So soon as such townships shall have been created, it shall be the duty of the city council to apportion among said townships, respectively, the several justices of the peace and constables residing in said city as enlarged by said annexation, whether they were originally elected by the electors of said city or one of the contiguous townships, so as to assign to each township not less than two such justices and constables. Such justices shall keep their offices only within their respective townships. When any vacancy shall occur in the office of any such justice or constable, the same shall be filled by the electors of his township; and the justices of the peace and constables elected in and for such townships shall be qualified in like manner as is now provided for the justices of the peace and constables of any township now existing; shall have and exercise the same jurisdiction in

all respects, and the same rules and regulations prescribed by said law as to suits within the townships shall apply to the townships so created, as well to the justices of the peace and constables at the time of such annexation in office, who may be assigned as aforesaid to any such township, as to those who may be thereafter elected and qualified: Provided, that when any person shall have an office or place of business in any such township, a suit may be brought against him therein, although his place of residence may be in another township of said county.

SEC. 5. There shall be no election for municipal, township and school district officers of any incorporated village, township, or school district, the whole of which may be embraced within the limits of such city as hereinbefore provided, after such annexation, other than for municipal and township officers of said city, as enlarged by said annexation. And it shall be the duty of the recorder, or clerk and all other officers of any such village, township or school district, at the expiration of ten (10) days from the time of the first election of members from the territory so annexed, to deliver to the clerk of the city council of said city, to be disposed of as said council shall direct, all books and papers pertaining to the affairs of any such village, township, or school district; and it shall be the duty of the treasurer or other officer of any such village, township or school district, at the same time, to pay any moneys and deliver any books or papers in his custody or under his control, belonging to any such village, township or school district, to the treasurer of such city; and all claims due and coming to such village, township or school district, shall, from and after such time, be held to be due and payable to such city; and all the liabilities of and demands against such village, township or school district, shall be held to be liabilities of and demands against such city; and in any action pending upon a suggestion made to the court, such city may be substituted as the party plaintiff or defendant, in lieu of such village, township or the board of education of such district; and any such claims, demands or liabilities, may be enforced and prosecuted in like manner and with like effect, as if such city had been the original party in the creation thereof.

SEC. 6. When only a part of any incorporated village, township or school district shall be embraced within the limits of such city as hereinbefore provided, then in the remaining part thereof, the election of municipal, township and school officers, shall be had as if such part were the whole. If the places for holding the election shall have been included in the part annexed, the municipal authorities, the township trustees, or the board of education of such district, shall appoint other places as they deem proper, and publish due notice thereof. When there shall be any debt due or owing, or any liability incurred from or by any such village, township or school district, at the time of such annexation, to pay which it shall, at any time, be proper to make a levy on taxable property, such levy shall extend to all the taxable property in the territory of said village, township or school district, including that part thereof, which may have been annexed, and shall be placed by the county auditor on the duplicate accordingly. And for the purpose of making a division of the funds in the treasury, and of all the property belonging to any such village, township or school district, a commission, consisting of three members, to be appointed by the municipal authorities, township trustees, or board of education of such village, township or school district, and three to be appointed by the city council of such city, shall make such a division of said funds and all other property, as to them may seem just and equitable, and shall make a report of the same to the bodies by whom

said commissioners were appointed. If said commissioners shall be unable to agree upon a division, or, if the municipal authorities, township trustees or board of education, of any such village, township or school district, or the city council of such city, shall be dissatisfied with the award of said commission, such dissatisfied party may apply to the court of common pleas of said county, within thirty (30) days from the filing of the report of said commission, and it shall be the duty of said court to settle the terms of such division, after such notice as the court may order, shall have been given to the other party.

SEC. 7. The real estate assessor heretofore elected in any village or township, the whole or part of which is annexed to such city, shall continue to act as assessor in the whole territory of said village or township until the annual fall election in 1874; and after that time, they shall act only in that part of the territory of said village or township, which is not annexed to such city. And at the annual fall election in 1874, an assessor shall be elected by the electors of the whole or part of said village or township which is annexed, for the unexpired term: provided, the territory so annexed shall have been established as a separate ward of said city; if the part so annexed shall not be a separate ward at the time of such election, then the assessor, elected in the fall of 1869, in the ward to which it is attached, shall act in said territory so annexed, until the next general election of such assessors.

SEC. 8. All laws inconsistent herewith, are hereby declared to be inoperative in said city: Provided, however, that nothing contained in this act shall be construed to affect any of the vested corporate or other rights of any person, persons or associations, holding or owning grounds for burial purposes within the territory hereinbefore described.

SEC. 9. This act to take effect from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 16, 1870.

AN ACT

To provide for a special election in the incorporated village of Gambier, in the county of Knox.

WHEREAS, The village of Gambier, in the county of Knox, was, on the 12th day of February, 1870, incorporated; and

WHEREAS, There is not time enough from that date to the first Monday of April, 1870, to allow of an election on that day as required by law; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the voters in said village of Gambier to hold an election for officers of said village on any day within sixty days after said first Monday of April, 1870, said election to be conducted and the officers thereof chosen and qualified in the same manner prescribed by law for the election of township officers; and said officers so elected shall have all the powers and perform all the duties, and be subject to all liabilities, as though elected on the first Monday of April, 1870: Provided, that the

term of said officers shall expire at the same time that they would have expired had the election been held on the first Monday of April, 1870; and thereafter all elections shall be held in said village as now provided by law for such elections.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 SAM'L F. HUNT,
President pro tem. of the Senate

Passed April 16, 1870.

AN ACT

For the relief of the Union Seminary of the African Methodist Episcopal Church.

WHEREAS, The Union Seminary of the African Methodist Episcopal Church, heretofore incorporated for the purpose of establishing at or near Columbus, in the county of Franklin, Ohio, a seminary for the purpose of educating and instructing youth, in literature, science, agriculture and mechanic arts, after having acquired certain real estate in the said county of Franklin of the estimated value of six thousand dollars, for the purpose of establishing such seminary, finds it to be impracticable and impossible to obtain any more property and funds for said purposes, and that said amount is entirely insufficient to establish and endow said seminary, for any practicable benefits designed thereby; and

WHEREAS, Also, the board of trustees of said seminary, and the Ohio Annual Conference of the African Methodist Episcopal Church, believing that the best disposition of the property of said seminary would be to transfer the same to Wilberforce University, an institution founded and situated in Green county, Ohio, for like purposes for which the said Union Seminary was incorporated, and that such transfer would better accomplish the purpose for which the donations and subscriptions heretofore made to said Union seminary were given; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Union Seminary of the African Methodist Episcopal Church, and the trustees thereof, shall be and hereby are authorized and directed under the direction, approval and consent of the Ohio Annual Conference of the African Methodist Episcopal Church, to make sale of all the real estate owned and held by said Union Seminary, in the county of Franklin, Ohio, on such terms as to them shall seem expedient and judicious; and to pay, transfer, give and grant all the proceeds of such sale, after the payment of any existing or accruing indebtedness of said Union Seminary, and to give, grant and transfer all the residue of any property or money belonging to said Union Seminary, to Wilberforce University to be held by said university and applied as it shall see fit, for the uses and purposes of its institution and incorporation, the said grant and transfer, and payment to be made at such times and in such amounts and manner, as to the said trustees of Union Seminary, and the said conference, shall seem proper and expedient.

SEC. 2. That section six of the original act of the incorporation of said seminary, entitled "an act incorporating the Union Seminary of the

African Methodist Episcopal Church," be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after the day of its passage.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Passed April 16, 1870.

AN ACT

To authorize the county commissioners of Logan county, to levy an additional tax for the payment of county expenses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Logan county, be and they are hereby authorized to levy a tax not exceeding one mill on the dollar annually, on all taxable property of said county, in addition to the levy now authorized by law, for the following purposes namely: For all county expenses of what ever character, other than taxes for bridge, road, building and poor purposes, and for the payment of the interest and principal of the debts of the county; provided, that said county commissioners shall make the additional levy authorized by this act, only at their June session in the years A. D. 1870, and 1871.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Passed April 16th, 1870.

AN ACT

To authorize the board of education of the incorporated village of Geneva, Ashtabula county, Ohio, to issue bonds to raise money to pay an existing debt, incurred in the erection of a school building, and to levy a tax to pay said bonds and their interest.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the incorporated village of Geneva, Ashtabula county, Ohio, be and they are hereby authorized to issue their bonds to an amount not to exceed twelve thousand dollars, to raise money to pay an existing debt, incurred in building a school building in said village. Said bonds to be signed by the president and secretary of said board of education, and to be in sums of not less than fifty dollars nor more than five hundred dollars each, bearing interest at a rate not exceeding ten per cent. per annum, payable annually, and payable at any time, not exceeding five years from the time of issuing the same, at the discretion of said board: Provided, that said bonds shall not be sold for less than their par value.

SEC. 2. That for the purpose of paying the said bonds and the interest thereon, as the same shall become due, the said board of education are hereby authorized and empowered to levy, on the taxable property of the said incorporated village of Geneva, Ashtabula county, such amount annually as will be sufficient to pay the principal of the bonds that shall fall due each year; and also the interest falling due annually on all of the bonds so issued, and the money so raised shall not be used for any other purpose than to pay said bonds and interest.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President [pro tem.] of the Senate.

Passed April 18, 1870.

AN ACT

To extend the time for the payment of school lands in section number sixteen, in Wilkesville township, Vinton county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a further period of five years, from the day the respective installments become due, be and the same is hereby given to the purchasers of lands in school section number sixteen, in Wilkesville township, Vinton county, Ohio, for the payment of the principal of the purchase money thereof; provided, that the interest and taxes thereon shall be punctually paid according to law; and provided further, that the auditor of said Vinton county may, at any time, require additional security for the payment of the principal and interest if, in his opinion, the public interest require it.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 16, 1870.

AN ACT

Authorizing the commissioners of Wood county to levy a tax to purchase and improve fair grounds for the agricultural society of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Wood county be and they are hereby authorized to levy on the grand duplicate of said county, at the June session, for the years 1870 and 1871, a sum not exceeding one-fourth mill on the dollar, for each of said years, on all the taxable property of said county, for the purchase and improvement of the fair grounds of Wood County Agri-

cultural Society, and the commissioners shall certify the amount so levied to the county auditor, who shall place the same on the tax duplicate for said county, to be collected as other taxes.

SEC. 2. When the collection is made by the treasurer, in each year, at his semi-annual settlement for the taxes of said years, the auditor of said county shall issue his order for the sum so collected to the treasurer of said agricultural society, on his filing with such auditor an undertaking in double the amount so collected, with good and sufficient security, to be approved by the auditor, conditioned for the faithful paying over and accounting for all funds that may come into his hands by virtue of the provisions of this act.

SEC. 3. All grounds and improvements purchased and made as aforesaid, and all grounds owned by said agricultural society as sites whereon to hold their fairs, shall be under the exclusive control and management of the board of directors of said agricultural society; and should said society be dissolved or cease to exist, all of said grounds and improvements so owned by said society shall vest in fee in said county of Wood.

SEC. 4. This act to take effect on its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

Authorizing the Commissioners of Jefferson county to change the channel of streams of water in certain cases.

SECTION. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Jefferson county, when they deem the public interest requires it, in order to obviate the necessity of building a bridge or bridges, or to secure a better location for a state or county road, may change the channel of any stream or streams of water. The proceedings therefor, and also to assess damages claimed by persons owning property affected by such changes, to be the same as provided by the act entitled "an act for opening and regulating roads and highways," passed January 27, 1853, and the various acts amendatory and supplementary thereto.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

To authorize the board of education and trustees of Liverpool township, Medina county, to levy a tax to build a school and township house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Liverpool township, Medina county be, and they are

hereby authorized to levy a tax upon the taxable property of said township, for any sum not exceeding five thousand dollars, for the purpose of purchasing a site and building a school and township house, and for no other purpose.

SEC. 2. The board of education of the township of Liverpool, Medina county, be and they are hereby authorized to levy a tax in any sum not exceeding five thousand dollars, on the taxable property of said township, and when collected shall be paid by said board of education in connection with the trustees of said township in building a school house and township house, and for no other purpose.

SEC. 3. The township trustees and board of education of said township shall each certify to the county auditor the amount of tax necessary, not exceeding the amount specified in the first and second sections of this act, which shall be entered upon the duplicate and collected as other taxes are collected.

SEC. 4. Said township house and school house shall forever be and remain under the control of said trustees and board of education.

SEC. 5. The township trustees and board of education shall have the control and management of the construction of said school house and township house, and may, if they choose, for the purpose of constructing the same, issue the bonds of said township, in anticipation of the receipt of said levies, in such denominations and for such times, not exceeding five years, and at such rate of interest, not exceeding eight per cent., as in their judgment seems proper.

SEC. 6. The said board of education and trustees of said township may, if thought best, locate the said school house and township house on any site now owned by the school authorities of said township.

SEC. 7. This act to take effect on its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

To authorize the commissioners of Coshocton county, to build a bridge or bridges across the Tuscarawas river, at or near the village of West Lafayette, at or near the village of Orange, or both, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Coshocton county be, and they are hereby authorized and empowered to levy a tax on all the taxable property of said county, to an amount sufficient to build a bridge across the Tuscarawas River, at or near the town of Orange, or at or near the town of West Lafayette, or both as said commissioners shall deem just and expedient, and for the best interests of the people thereof: Provided, that before the said commissioners shall levy said tax if they shall first determine the said bridge shall be located at or near the town of Orange, then the trustees of the township of Oxford and the township of Adams, in said county of Coshocton, shall raise by voluntary subscription, or by a tax levied on the taxable property of said township, such an amount of money

as may be agreed upon by the commissioners and trustees as aforesaid. If the commissioners shall determine that the said bridge shall be located at or near the town of West Lafayette, then the trustees of the township of Lafayette, and the township of White Eyes, shall proceed in the same manner as above directed in case such bridge is located at said town of Orange, to raise the sum of money that may be agreed upon between them and said commissioners; and if the commissioners shall determine that a bridge shall be constructed at both of said towns, then they shall proceed jointly with the above named townships as aforesaid, and such money so raised shall be applied in aid of the construction of said bridge or bridges.

SEC. 2. The trustees of the townships of Oxford, and Lafayette, Adams and White Eyes, or all of them are hereby authorized and required to certify to the auditor of said county of Coshocton, the amount to be levied on the taxable property of said townships of Oxford, Lafayette, Adams and White Eyes, or all of them so agreed upon, which shall be levied and collected as other taxes are levied and collected, and applied by the commissioners in the erection of said bridge or bridges, as the commissioners as aforesaid shall determine and for no other purpose.

SEC. 3. This act shall take effect on and after its passage.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

To authorize and require the trustees of Greenfield township, in Gallia county, to levy a tax to pay local bounties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Greenfield township, in Gallia county, Ohio, be and they are hereby authorized and required to levy a tax in the year 1870, on the taxable property in said township, not to exceed four hundred dollars, to pay local bounties to volunteers credited to said township in the year one thousand eight hundred and sixty four, and certify the same to the auditor of said Gallia county; and said tax shall be entered upon the duplicate of said county, and collected as other taxes, and the money arising therefrom shall be retained in the county treasury, and paid out by the county treasurer to the trustees of said Greenfield township.

SEC. 2. That said trustees, upon the receipt of said money, shall pay to each volunteer who gave his credit to said township, in the year 1864, his heirs or assigns, the amount still remaining due under the contract made with him at the time he so gave his credit to said township, with six per cent. interest thereon from the first day of November, 1864.

SEC. 3. This act shall take effect from its passage.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

To authorize the trustees of Jefferson township, Brown county, Ohio, to levy a tax to pay money borrowed by certain citizens of said township, for the purpose of procuring volunteers to fill quotas of the township, under the call of the president of the United States.

WHEREAS, John Brown, Ellis Sidwell, James P. Mooney and J. N. Salisbury, of Jefferson township, Brown county, were appointed a military committee to procure volunteers to fill the quota of said township, under the call of the president of the United State, to raise, by subscription or otherwise, the funds necessary to that end; and

WHEREAS, The above-named committee, under said authority, borrowed a sum amounting, on the first day of January, 1870, to \$616.00, for the purpose of paying bounties to volunteers, to fill the quota for said township; and

WHEREAS, Said persons expended said sum together with funds derived from subscriptions, in payment of such volunteers, and thereby relieved said township of a draft; and

WHEREAS, More than three-fourths of the tax payers of said township have petitioned this general assembly for the passage of a law authorizing a tax to be levied on the taxable property of said township to pay said sum; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of said Jefferson township, Brown county, be and they are hereby authorized to levy, upon the taxable property of said township, for the year A.D. 1870, a tax sufficient to pay the said John Brown, Ellis Sidwell, James P. Mooney and J. N. Salisbury, the said sum as aforesaid, not exceeding \$616, with interest thereon at eight per cent. from January 1st, 1870.

SEC. 2. This act shall take effect on its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

To authorize the trustees of Sharon township, Richland county, Ohio, to levy a tax to complete a town hall.

WHEREAS, The qualified voters of Sharon township, Richland county, Ohio, at the annual election held on the first Monday of April, 1869, voted to build a town hall in said township; and whereas, the trustees of said township having contracted to erect, and the contractor has already erected the same; and said trustees have issued certificates for the payment of the amount due the contractor, payable to him or his assigns: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Sharon township, Richland county, Ohio, be and they are hereby authorized to levy a tax upon the taxable property of said township, of not exceeding two mills on the dollar, for each of the

years, 1870, 1871, 1872 and 1873, which tax shall be entered upon the duplicate by the auditor of Richland county, Ohio, and collected in like manner as other taxes are collected, and when paid into the treasury of said township shall be applied only for the redemption of said certificates of indebtedness, so issued as aforesaid.

SEC. 2. This act shall be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

To authorize the township trustees of Deer Creek township, Madison county, to transfer township "poor funds," to township funds, for township and road purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Deer Creek township, Madison county, are hereby authorized to transfer seven hundred dollars, belonging to the "poor fund" in said township, to the township fund for general purposes.

SEC. 2. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

To change the name of the village of Cynthiana, in Clermont county, to Marathon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of the village of Cynthiana, in Clermont county, be changed to Marathon.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

To authorize the trustees of Green township, Shelby county, Ohio, to pay to Jesse B. Howe, George W. Frazier and Thomas L. Meginnis, former trustees of said township, certain moneys for which they became responsible to furnish volunteers to be credited to said township in the late war.

WHEREAS, On the 15th day of January, A. D. 1865, Jesse B. Howe, George W. Frazer and Thomas L. Maginnis, then being trustees of Green township, Shelby county, Ohio, entered into a written agreement as such trustees, of which the following is a copy:

For and in consideration of the assignment of six men to apply in recent call for men, we, the undersigned trustees of Green township, Shelby county, Ohio, hereby agree to pay the trustees of Clinton township, in said county, or their successors in office, on or before the first day of September, A. D. 1866, the sum of six hundred dollars, with six per cent. interest from September 15, 1864.

J. B. HOWE,
T. L. MEGINNIS,
G. W. FRAZIER,
Trustees.

January 19, 1865.

And WHEREAS, At the October term, A.D. 1869, of the court of common pleas of Shelby county, Ohio, one Henry Harborn, assignee of said contract, recovered a judgment against said Jesse B. Howe, George W. Frazier and Thomas L. Meginnis, (individually) by reason of their executing said written agreement for the sum of seven hundred and eighty-three dollars and thirty cents and costs of suit, which judgment with interest is about to be collected from said parties; and

WHEREAS, There is now in the treasury of said township of Green an amount of money collected to pay local bounties, more than sufficient to pay said judgment and costs; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of said township of Green, in the county of Shelby, be and they are hereby authorized and required to appropriate so much of said funds so as aforesaid collected, for the payment of local bounties as may be necessary to liquidate the same to the payment of the judgment and costs so as aforesaid obtained against said George W. Frazier, Jesse B. Howe and Thomas L. Meginnis, or in case they, or either of them, shall have paid the same judgment, then to reimburse the party or parties so paying the same for the amount so expended.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

To authorize the township trustees of Stonelick township, Clermont county, Ohio, to levy a Special tax for a foot-bridge in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Stonelick township, Clermont county, Ohio, be, and they are hereby authorized to levy a special tax of two hundred and ninety-six dollars upon the taxable property of said Stonelick township for the purpose of defraying the expense of constructing a foot-bridge across Stonelick creek, in said township, which foot-bridge was constructed in 1869, by a supervisor of roads in said township.

SEC. 2. This act shall be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

AN ACT

To authorize the board of education of the village of Bucyrus to borrow money and levy taxes to relieve said board from indebtedness contracted in building and furnishing a school house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That to enable the board of education of the village of Bucyrus, in the county of Crawford, to pay off an indebtedness contracted by said board of education, in the erection and furnishing of a school house, in said village, said board be and they are hereby authorized to issue their bonds, signed by the president and secretary of said board, in sums of not less than fifty nor more than five hundred dollars each, bearing interest at a rate not exceeding eight per cent. per annum, payable semi-annually, for an amount not exceeding in the aggregate the sum of twelve thousand dollars, and payable at any time, not exceeding six years from the time of issuing the same, at the discretion of said board: Provided, said bonds shall not be sold at less than their par value.

SEC. 2. That for the purpose of paying the said bonds and the interest thereon, as the same shall become due, the said board of education are hereby authorized and empowered to levy on the taxable property of the incorporated village of Bucyrus, and the territory thereto annexed for school purposes, such an amount, annually, as will be sufficient to pay the principal of the debt that shall fall due each year, and also the interest falling due annually, on all of the bonds so issued; and the money so raised shall not be used for any other purpose.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Passed April 18, 1870.

JOINT RESOLUTIONS.

JOINT RESOLUTION

Relative to the appointment of a joint committee to inform the Governor of the organization of the General Assembly.

Resolved by the General Assembly of the State of Ohio, That a committee of two on the part of the senate, and three on the part of the house, be appointed to inform the governor that the legislature has organized and is now ready to receive any communication he may have to make.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,

Adopted January 3, 1870.

President of the Senate.

JOINT RESOLUTION

Relative to a joint convention to canvass the votes cast at the last October election for State Officers.

Resolved by the General Assembly of the State of Ohio, That the two houses of this general assembly meet in joint convention on Thursday, January 6th, 1870, at 10 o'clock, A.M., in the hall of the house of representatives, to count the votes cast for state officers, at the election held on the second Tuesday of October last.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,

Adopted January 3, 1870.

President of the Senate.

JOINT RESOLUTION

Relative to the appointment of a joint committee to make arrangements for the inauguration of the Governor.

Resolved by the General Assembly of the State of Ohio, That a committee, consisting of three on the part of the senate and five on the part of the house, be appointed to make such arrangements as may be necessary for the inauguration of the governor elect, on Monday the 10th inst.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,

Adopted January 6, 1870.

President of the Senate.

JOINT RESOLUTION

Relative to an amendment to the constitution of the United States

WHEREAS, The general assembly of the state of Ohio, has received official notification of the passage by both houses of the fortieth congress of the United States, at its third session, of the following proposition to amend the constitution of the United States, by a constitutional majority of two-thirds thereof, in the words following, to wit:

"A resolution proposing an amendment to the constitution of the United States.

Resolved, by the senate and house of representatives of the United States of America, in congress assembled, (two-thirds of both houses concurring,) that the following article be proposed to the legislatures of the several states, as an amendment to the constitution of the United States, which when ratified by three-fourths of said legislatures shall be valid, as part of the constitution, namely :

ARTICLE XV.

Section 1. The right of citizens of the United States to vote, shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude.

Section 2. The congress shall have power to enforce this article by appropriate legislation." And

WHEREAS, Three-fourths of the legislatures of the states comprising the United States, are required to give assent to the said proposed amendment to the constitution of the United States before it becomes a part thereof, therefore

Resolved by the General Assembly of the State of Ohio, That we hereby ratify on behalf of the state of Ohio, the above recited proposed amendment to the constitution of the United States.

Resolved, That certified copies of the foregoing preamble and resolution, be forwarded by the governor of Ohio, to the president of the United States, to the presiding officer of the United States senate, the speaker of the United States house of representatives, and the secretary of state of the United States.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

J. C. LEE,

President of the Senate.

Adopted January 27, 1870.

JOINT RESOLUTION

Providing for keeping open the passage way between the Hall of Representatives and the Senate Chamber.

Resolved by the General Assembly of the State of Ohio, That, during every legislative day, whether both houses are in session or not, the doors between the house and senate chamber, by the back way, shall be unlocked, and free ingress and egress allowed to members and officers of both houses from 9 A. M. till 8 P. M.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

January 14, 1870.

JOINT RESOLUTION

Relative to furnishing the State Library with the laws of other states.

Resolved by the General Assembly of the State of Ohio, That the librarian of the state library, be instructed to ascertain what volumes of laws of the different states are not in the library, and that he at once take measures to procure them, either by exchange or purchase, so that a complete set of all the laws of the different states may at all times be found in said library.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Adopted January 27, 1870.

JOINT RESOLUTION

Relative to printing the report of the Board of State Charities.

Resolved by the General Assembly of the State of Ohio, That there be printed 3,000 copies of the third annual report of the board of state charities, for the use of the legislature and otherwise, at the discretion of the board.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Adopted January 26, 1870.

JOINT RESOLUTION

Relative to the printing of Calendars for the Senate and House of Representatives.

Resolved by the General Assembly of the State of Ohio, That the clerks of the senate and the house of representatives cause a calendar of all bills in both branches of the general assembly, standing for second or third reading, to be printed, to the number of two hundred, and spread upon the desks of each senator and representative, at the opening of each daily session: Provided, that nothing herein, or in any rule of either branch of the general assembly, shall be construed to authorize or order the printing of a greater aggregate number of such calendars daily than two hundred, to be apportioned to the two branches according to their respective numbers.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Adopted January 28, 1870.]

JOINT RESOLUTION

Relative to printing the Report of the Commissioner of Railroads and Telegraphs.

Resolved by the General Assembly of the State of Ohio, That the superintendent of public printing be and he is hereby directed to cause the annual report of the commissioner of railroads and telegraphs for the year 1869 to be printed in advance of all other matter, in the number and manner now provided by law.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Adopted January 26, 1870.

JOINT RESOLUTION

Relative to the printing and distribution of the Laws passed by the Fifty-ninth General Assembly.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be directed to have the laws of this session of the legislature printed as soon as possible after enactment, in forms of sixteen pages, and that he cause five thousand copies of the same to be distributed as follows: ten copies to each member of the general assembly, and the remainder he shall cause to be distributed to the county auditors of the several counties, in proportion to their representatives in the legislature.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Adopted January 28, 1870.

JOINT RESOLUTION

Fixing the compensation of Pages of the Senate and House of Representatives.

Resolved by the General Assembly of the State of Ohio, That the pages of the senate and house of representatives be paid two dollars per day, respectively, for their services during the present session of the legislature.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Adopted January 14, 1870.

JOINT RESOLUTION

Relative to the printing of a pamphlet containing rules, lists of committees, &c., of the General Assembly.

Resolved by the General Assembly of the State of Ohio, That twelve hundred copies of the rules for the government of the senate and house, together with the joint rules, the appointments upon standing committees of both houses, the appointments upon joint standing committees, a list of names of officers and members of both houses, with the post-office address of each, be printed in convenient pamphlet form, for the use of the members of the general assembly.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,

Adopted January 26, 1870.

President of the Senate.

JOINT RESOLUTION

Relative to the appointment of a joint committee to prepare rules for the government of the General Assembly.

Resolved by the General Assembly of the State of Ohio, That a committee of two on the part of the senate, and three on the part of the house, be appointed to prepare and report joint rules for the government of the two houses.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,

Adopted January 14, 1870.

President of the Senate.

JOINT RESOLUTION

Relative to the adoption of rules for the government of the General Assembly.

Resolved by the General Assembly of the State of Ohio, That the joint rules of the fifty-eighth general assembly of Ohio, for the government of the two branches thereof, be adopted by this general assembly until otherwise ordered.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,

Adopted January 14, 1870.

President of the Senate.

JOINT RESOLUTION

Relative to the death of Ex-Governor Trimble.

WHEREAS, General Allen Trimble Ex-Governor of this state, departed this life on the 3d inst., at his residence in Hillsboro, Highland county, Ohio, full of years and full of honors; therefore,

Be it resolved by the General Assembly of the State of Ohio, That out of respect to his memory, virtue and distinguished services, rendered to this state and nation, that this general assembly do hereby direct the Superintendent of the State House, to lower the flags on the State House to half-mast, and that they so remain until sunset on Saturday evening, the 5th instant.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. C. LEE,
President of the Senate.

Adopted February 16, 1870.

JOINT RESOLUTION

Providing for changes and repairs in and about the State House.

Resolved by the General Assembly of the State of Ohio, That the superintendent of the state house, be directed to place a large fire-place and grate at the north end of the hall of the house of representatives, with the necessary finish, forthwith; and that he be further directed to employ the necessary labor, and procure the required material, to cleanse and renovate the interior walls, avenues and chambers in the foundation rooms of this building, and thoroughly whitewash the same immediately, the same being done under the supervision and advice of the committee on public buildings of the two houses.

A. J. CUNNINGHAM,
Speaker of the House of Representatives,
J. C. LEE,
President of the Senate.

Adopted February 16, 1870.

JOINT RESOLUTION

Requesting the senators and representatives in congress of this state to secure the passage of a law granting liberal pensions to surviving soldiers, and the widows of deceased soldiers, of the war of 1812.

Resolved by the General Assembly of the State of Ohio, That our representatives in congress be requested and our senators be instructed to use their influence in securing the passage, at an early day, of a general law granting liberal pensions to the surviving soldiers, and the widows of deceased soldiers, of the war of 1812.

Resolved, That the governor of the state be requested to forward a copy of the foregoing resolution to each of our senators and representatives in the congress of the United States.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Adopted February 24, 1870.

JOINT RESOLUTION

Authorizing the transfer of Stanley Gilbert from the Ohio Penitentiary to the State Reform School.

WHEREAS, Stanley Gilbert, a lad 16 years and 3 months of age, was, on the 11th of February, A. D. 1870, at the court of common pleas within the county of Madison, convicted of the crime of burglary, and sentenced to one year's imprisonment in the Ohio Penitentiary, and

WHEREAS, The judge of said court sitting on the trial of said Gilbert, and the prosecuting attorney of said county, have each in a letter to the governor, recommended that said Gilbert be removed to the state reform farm, therefore, be it

Resolved by the General Assembly of the State of Ohio, That the governor be and he is hereby authorized to issue his warrant for the transfer of the said Stanley Gilbert from the Ohio Penitentiary to the State Reform School, there to be held and treated, so far as practicable, under the laws and regulations of said institution: Provided, the governor shall have power to remand said Stanley Gilbert to the penitentiary at any time when he may be satisfied that he is incorrigible, and the public good so requires; and the time spent at the said reform farm shall be estimated as a part of the time for which said Gilbert was sentenced.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Adopted February 24, 1870.

JOINT RESOLUTION

Requiring all committees of the General Assembly, to make itemized accounts of all expenses incurred by them respectively, in the discharge of their duties.

Resolved by the General Assembly of the State of Ohio, That all committees of this General Assembly be and the same are hereby respectively required to make accurately itemized accounts, which shall be signed by said committees, of any and all expenses incurred by them, respectively, in the discharge of their duties; which accounts shall be presented to the standing committee on claims of the house or senate, as the case may be, for examination and approval, and that the auditor of state be and he is hereby

instructed to disallow and reject any and all claims for expenses so incurred, unless the same shall have been approved by the proper committee on claims, as aforesaid.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Adopted March 1, 1870.

JOINT RESOLUTION

Providing for another fire-place in the Hall of Representatives.

WHEREAS, The grate recently set in the north wall of the hall of the House of Representatives is a success, therefore

Resolved by the General Assembly of the State of Ohio, That the standing committee on public buildings be and are hereby instructed to have a similar grate placed in the south wall of the same hall as early as possible.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Adopted March 1, 1870.

JOINT RESOLUTION

Relative to printing and binding certain reports.

Resolved by the General Assembly of the State of Ohio, That there be printed in English, of the annual and statistical report of the Secretary of State, twenty-seven hundred copies, to be bound together; that five thousand copies of the statistical report be printed and bound separately; that there be printed in German, and bound together, fifteen hundred copies of said annual and statistical report; that there be printed in German one thousand copies of the statistical report, to be bound separately. All the binding herein authorized to be in brochure. One hundred of each of the German documents for the Secretary of State, and one hundred for the State Library, and the balance for the General Assembly.

J. R. COCKERILL,
Speaker pro tem. of the House of Representatives.
 SAM'L F. HUNT,
President pro tem. of the Senate.

Adopted February 17th, 1870.

JOINT RESOLUTION

Authorizing and requesting the Governor to secure certain property belonging to the State.

Resolved by the General Assembly of the State of Ohio, That the Governor of Ohio be and he is hereby authorized and requested to take such measures as he may deem necessary to protect and secure the property of

the state in the hydrostatic pumps and their connections, &c., in the hands of chief and district inspectors, under the late act providing for the inspection of steam boilers, passed May 7, 1869.

J. R. COCKERILL,
Speaker pro tem. of the House of Representatives.
 SAM'L F. HUNT,
President pro tem. of the Senate.

Adopted February 8th, 1870.

JOINT RESOLUTION

Relative to the sale of the Agricultural College scrip.

Be it resolved by the General Assembly of the State of Ohio, That a committee of three on the part of the Senate and five on the part of the House of Representatives, be appointed to make inquiries in reference to the disposition of the Agricultural College grant; the amount of any and all sales of the scrip, with the names of all purchasers, and the investments of the fund coming from the same.

J. R. COCKERILL,
Speaker pro tem. of the House of Representatives.
 SAM'L F. HUNT,
President pro tem. of the Senate.

Adopted February 10th, 1870.

JOINT RESOLUTION

Directing certain repairs to be made to the State House.

WHEREAS, The committee on state buildings find, on examination, that the roof of the State House is leaking in numerous places, the copper plating having given way, or become separated in certain portions of the roof to such extent as to leave a great many openings through which water passes, to the great damage of the building; and the committee are of the opinion that a large portion of the surface, where repairs are most needed, can be best repaired by the use of plastic slate, and that other portions can be best repaired by the use of copper plate; and

WHEREAS, The committee also find that a considerable part of the floor of the open courts, and of the outside terraces of the State House, is in need of repairs, the seams of said floor having become so open as to permit water to pass through, to the damage of the building, and such things as are contained within; and the committee are of the opinion that said floors can be best repaired by removing a part of the cement from the seams therein, and cementing the same anew; therefore,

Resolved by the General Assembly of the State of Ohio, That the Superintendent of the State House be instructed to proceed without delay, under the direction of the committees on public buildings of the two houses, to have the said roof repaired as above recommended, and that he proceed to have said floors repaired, as herein recommended, at a cost not to exceed (in all) \$1,200.

J. R. COCKERILL,
Speaker pro tem. of the House of Representatives.
 SAM'L F. HUNT,

Adopted February 8th, 1870.

President pro tem. of the Senate.

JOINT RESOLUTION

Authorizing the Adjutant General to issue arms and accoutrements to Miami University.

Be it resolved by the General Assembly of the State of Ohio, That the Adjutant General be and is hereby authorized to issue to Miami University; upon the requisition of the president thereof, such arms and accoutrements as may be necessary for the department of military instruction in that institution; provided, however, that there shall first be deposited with the Adjutant General a bond in twice the full value of the arms so issued, with approved security, conditioned for the safe custody and return of all such arms and accoutrements upon the demand of the Governor.

J. R. COCKERILL,
Speaker pro tem. of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Adopted February 19th, 1870.

JOINT RESOLUTION

Relative to United States lands and land titles in Ohio.

WHEREAS, It is confidently believed that the United States lands in the State of Ohio, have been so far disposed of that any sales thereof do not afford a sufficient amount to pay the expenses of the continuance of the United States land offices in this state; and

WHEREAS, The people of this state suffer expense and inconvenience in the location of land offices holding official papers in this state at inconvenient points for examination and procurement of copies of title papers; therefore,

Resolved by the General Assembly of the State of Ohio, That our Senators and Representatives in the Congress of the United States be requested to procure the passage of a law which shall cede to the State of Ohio the residue of lands in said state, and procure the transfer of all the papers and muniments of title which now remain in the United States land offices in said state to the land department of the state, now existing by law, as a branch of the State Auditor's office at Columbus, the seat of government of said state, under such provision as to reports and information at all times to the General Land Office at Washington, as Congress may deem necessary.

J. R. COCKERILL,
Speaker pro tem. of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Adopted February 27th, 1870.

JOINT RESOLUTION

Relative to an examination of the steam boilers under the State House.

Resolved by the General Assembly of the State of Ohio, That a committee of two members on the part of the senate, and three members on the part of the house of representatives, be appointed to cause an immediate examination of the steam boilers under the state house, and to report the condition of the same, and whether the safety of human life and the property of the state, does not require that the same be removed from the place where they are now located, and to make such recommendations in the premises as said committee may deem proper.

J. R. COCKERILL,

Speaker pro tem. of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Adopted February 23, 1870.

JOINT RESOLUTION

Restoring to the Ninth Regiment Ohio Volunteer Infantry (reorganized) a certain Flag, now in the custody of the State.

Resolved by the General Assembly of the State of Ohio, That leave be and is hereby granted to the proper officers of the reorganized Ninth Regiment Ohio Volunteer Infantry, to take possession of the flag belonging to said regiment, and presented to them formerly by the loyal ladies of Kentucky.

J. R. COCKERILL,

Speaker pro tem. of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Adopted February 8, 1870.

JOINT RESOLUTION

Providing for a joint select committee to investigate as to damages to land owners along the Miami and Erie Canal, in Defiance and Henry counties.

Resolved by the General Assembly of the State of Ohio, That a committee of three on the part of the House, and two on the part of the Senate, be appointed to view certain sections of the Miami and Erie canal, in Defiance and Henry counties, and report what relief, if any, is necessary for the land owners along the line of said canal to prevent the appropriation of their lands for state purposes without compensation, and what relief, if any, should be afforded said land owners for damages already sustained.

A. J. CUNNINGHAM,

Speaker of the House of Representatives

J. C. LEE,

President of the Senate.

Adopted March 12, 1870.

JOINT RESOLUTION

Providing for printing four hundred copies of the Annual Report of the Supervisor of Public Printing.

Resolved by the General Assembly of the State of Ohio, That there be printed of the annual report of the supervisor of public printing for the year 1869, four hundred copies, three hundred for the use of the General Assembly, and one hundred for the Supervisor.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.

J. C. LEE,
President of the Senate.

Adopted March 12, 1870.

JOINT RESOLUTION

Looking to converting the White Sulphur Springs property into a Home for Soldiers' and Sailors' Orphans.

WHEREAS, There is a manifest necessity for this General Assembly to make ample provisions by law for the education and proper care of a meritorious class of the orphan children of the state; and

WHEREAS, There is, at the White Sulphur Springs, owned by the state and occupied as a reform school for girls, suitable and ample accommodations for at least seven hundred of such orphans; and

WHEREAS, There are only about fifteen girls present at said reform school; therefore,

Resolved by the General Assembly of the State of Ohio, That the joint select committee to which was referred the subject matter relating to the Soldiers' Orphans' Home at Xenia, be and they are hereby required to investigate the propriety of transferring the girls from the reform school for girls to the reform school for boys, or such other disposition of said girls as the committee may deem best; and the said White Sulphur Springs property be converted to the use and benefit of an Orphans' Home, and that they report by bill or otherwise at an early day.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.

J. C. LEE,
President of the Senate.

Adopted March 12, 1870.

JOINT RESOLUTION

Relative to the erection of a Mansion for the Governor of Ohio.

WHEREAS, Certain of the citizens of the state of Ohio, through a committee of their appointment, have represented to the legislature of Ohio, that a mansion for the use and occupancy of the Governor of the state, can, through the aid and co-operation of such citizens, be erected at a very small expense to the state, upon lands in the city of Columbus, belonging to the state and not in use, and

WHEREAS, Said citizens desire to confer with the legislature upon the subject of the erection of such mansion, therefore be it

Resolved by the General Assembly of the State of Ohio, That a committee of two on the part of the Senate, and three on the part of the House, be appointed to confer with said committee of citizens in the matter of the erection of said mansion, and report such information as they may obtain, and also their views and recommendation in the premises.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Adopted February 26, 1870.

JOINT RESOLUTION

Providing for paying the official reporters of the Senate and House of Representatives.

Resolved by the General Assembly of the State of Ohio, That Franklin Gale and Samuel M. Smith, Jr., shall receive five dollars per day each, from the commencement of the present session, for reporting the proceedings of the Senate and House of Representatives, to be paid out of any money appropriated to defray the expenses of the General Assembly, on the order of the Auditor of State.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Adopted March 18, 1870.

JOINT RESOLUTION

Directing the Board of Public Works to appropriate and condemn, as easements for the use of the state, the right to flood certain lands near Lewistown Reservoir.

Resolved by the General Assembly of the State of Ohio, That the board of public works be directed and required to proceed forthwith, or as soon as the duties of said board will permit, under and in pursuance of the laws of this state now in force, to appropriate and condemn as easements for the use of this state, the right to flood the lands in, adjoining, or near to the Lewistown Reservoir, in the counties of Logan or Hardin, which are either permanently or at intervals overflowed or injured by back-water or otherwise, by reason of the construction or maintainance of the said Reservoir, in all cases in which such right has not heretofore been acquired by said state: Provided, however, that said board shall not be required to appropriate or condemn any easements or other right for said state, of or upon any lands of any person, until such person shall file with the secretary of said board a sworn statement, giving a brief but pertinent description of each piece or parcel of land for or upon which damages are claimed by such person; the amount or proportion of each tract affected or injured by such overflow; the extent or length of time such flooding or overflow is claimed by such person to exist annually, and the amount of damage which such person believes he or she annually sustains by reason of such overflow or back-water, and the probable gross value of the ease-

ment required for the use of the state; and said board is hereby requested to report to this general assembly at its earliest convenience a full and complete statement of its proceedings in the premises, with the amount which shall be assessed in each case for the right appropriated.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Adopted March 18, 1870.

JOINT RESOLUTION

Authorizing the printing of additional copies of the annual report of the Commissioner of Common Schools.

Resolved by the General Assembly of the State of Ohio, That there be printed 4,000 additional copies of the report of the Commissioner of Common Schools.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Adopted February 26, 1870.

JOINT RESOLUTION

Relative to the appointment of a joint committee to visit the "Ohio Soldiers' Orphans' Homes," at Xenia.

Resolved by the General Assembly of the State of Ohio, That a committee of three on the part of the Senate and seven on the part of the House, be appointed to visit the "Ohio Soldiers' Orphans' Homes," at Xenia, Greene county, in accordance with the invitation of the board of control, and report such facts as they may learn in regard to the number and destitution of the Orphans of the soldiers and sailors of the state, and the condition and value of the property offered by said board of control to the state for a home for soldiers' orphans.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Adopted February 26, 1870.

JOINT RESOLUTION

Authorizing and requiring the Secretary of State to have printed twenty thousand copies of the reports of the State Board of Agriculture for the years 1869 and 1870.

Resolved by the General Assembly of the State of Ohio, That the Secretary of State be authorized and required by law, under and in accordance with a law passed March 24th, 1860, to provide for the execution and su-

pervision of the state printing and binding under the joint supervision of the Supervisor of State Printing and the Secretary of the State Board of Agriculture, to have printed and bound twenty thousand copies of the report of the State Board of Agriculture for the year 1869, and twenty thousand copies of the report for the year 1870, of which ten per cent. shall be printed in German, and the size of the type and mechanical execution to conform to the report of the said board for the year 1868: Provided, that nothing shall be published in said reports except such matter as is authorized by law, not to exceed in size the report of 1868; 2,000 copies of the report of 1869 and 2,000 copies of the report of 1870, to be subject to the order of the State Board of Agriculture for exchange and foreign distribution; 18,000 copies of the report of each of said years 1869 and 1870, the Secretary of State shall apportion among the present members of the General Assembly, the number of German copies for each member to be determined by a list to be furnished the said Secretary of State by the committee on agriculture in each house, on which list shall be stated the names of members desiring German copies and the number desired by each; said reports shall be boxed up and directed to the care of the county auditor in the counties in which they respectively reside, and it shall be the duty of said county auditor to notify the respective members within ten days after the receipt of said reports, and if not removed by the person to whom directed, or on his written order, within thirty days, then the reports are to be delivered by the auditor to the president of the county agricultural society for distribution. The charge for the transportation of the said reports, as well as the charges for boxes, shall be paid for in the same manner as is or may be provided by law for the distribution of the laws and journals.

J. R. COCKERILL,

Speaker pro tem. of the House of Representatives.

J. C. LEE,

President of the Senate.

Adopted March 22, 1870.

JOINT RESOLUTION

Requesting Senators and Representatives in Congress from this State to secure an appropriation for Wilberforce University.

WHEREAS, It is a matter of just national concern that the colored people of the south, at this time, as a mass, grossly ignorant, and for no fault of their own, be fitted as speedily as may be, by suitable education, for a more intelligent exercise of the rights, and for a proper discharge of the duties of citizenship with which they have recently been invested and charged; and

WHEREAS, Congress, sensible of the demand for such education, and recognizing the utter want of means among said people to provide for it, has hitherto, at great public expense, established common schools among them; and

WHEREAS, The great need of such schools is now, and for years will probably continue to be, a supply of trained colored teachers, who, being of their own race, shall labor understandingly and sympathizingly for their improvement; and

WHEREAS, The collegiate institution known as Wilberforce University, situated in Greene county, in this state, has for its chief object the education of such teachers, being the only seminary of learning in the United States expressly devoted to that object, and being now in such successful prosecution thereof as its very limited means, made up of private charities, will allow; and

WHEREAS, A fund has been created under the management of the Freedmen's Bureau, that should not be distributed exclusively in one section of the country, and to which the colored people of the state of Ohio can justly set up a claim for their equal proportionate share; therefore,

Be it resolved by the General Assembly of the State of Ohio, That our senators and representatives in Congress be and they are hereby requested to use their influence to secure the passage of an act by Congress, appropriating, under such restrictions and conditions as may be deemed wise, fifty thousand dollars, out of the fund appropriated for the education of freedmen, and also such other aid as may be deemed proper to establish said University on a firm foundation.

Resolved, That the Governor is hereby requested to forward a copy of the foregoing preamble and resolution to each of said senators and representatives, together with a copy of the report of the committee on federal relations of this House.

J. R. COCKERILL,

Speaker pro tem. of the House of Representatives.

J. C. LEE,

President of the Senate.

Adopted March 22, 1870.

JOINT RESOLUTION

Directing the Attorney General to make a certain contract with the Trustees of Longview Asylum.

Be it resolved by the General Assembly of the State of Ohio, That the Attorney General of the State be and is hereby directed to enter into a contract with the trustees of the Longview Asylum for the support and treatment of not exceeding one hundred patients, belonging to the Central Asylum district, for one year from the first day of April, 1870, at a price not exceeding, and to be determined by the average cost of maintaining the patients at the Northern and Southern Asylums, for the current year, excluding expenditures for repairs and improvements of the buildings: Providing that until such cost shall be ascertained, the Auditor of State shall issue his warrants in favor of the trustees of said Longview Asylum, at the rate of \$4.25 per week, for the patients provided for under this resolution. He is also empowered and directed to settle with said trustees for the cost of keeping the patients who have been maintained at said Asylum since November 25, 1868, under the existing contract, until the first day of April, 1870.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

J. C. LEE,

President of the Senate.

JOINT RESOLUTION

Relative to the surrender of persons charged with treason, felony, or other crimes.

WHEREAS, The clause of the constitution of the United States requiring the surrender of a person charged in any state with treason, felony, or other crime, who shall flee from justice and be found in another state, was intended to subserve only great public interests, and not to apply to trivial offenses, or to be made subservient to private interests by being used to enforce the collection of debts, or to remove a citizen of any state into a foreign jurisdiction, that he might there be served with civil process; and

WHEREAS, Great abuses have recently been perpetrated in this regard against citizens of this state; and

WHEREAS, By the practice of all the states, a discretion has been recognized as proper to be exercised by the executive authority of each state, both as to the cases in which a requisition shall be made for the surrender of an alleged fugitive, and as to those in which the demand shall be granted, and it is proper that this discretion should, so far as possible, be limited and defined; therefore,

Resolved by the General Assembly of the State of Ohio, That the executive authority of this state, in its action under said clause of the constitution of the United States, should, in the opinion of the General Assembly, be governed by the following rule, both in making requisitions on other states and in allowing requisitions made by other states on this state, namely: No requisition should be made or allowed for an alleged fugitive, unless the Governor be clearly satisfied that the requisition is sought or made in good faith, for the punishment of an offense within the proper meaning of the said clause of the constitution, and that it is not sought or made for the purpose of collecting any debt or pecuniary mulct, or for the purpose of removing the alleged fugitive to a foreign jurisdiction, with a view there to serve him with civil process.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

J. C. LEE,

President of the Senate.

Adopted March 25, 1870.

JOINT RESOLUTION

Of respect to the memory of Major General George H. Thomas.

WHEREAS, A dispatch from San Francisco announces the death of one of the bravest generals and purest men of the nation, Major General George H. Thomas; therefore,

1. *Resolved by the General Assembly of the State of Ohio*, That in honor of his services, and in respect for his memory, a joint committee of three on the part of the senate, and five on the part of the House, be appointed to present to this body such resolutions as may be expressive of the appreciation of the people of Ohio of his services and their regard for his memory.

2. *Resolved*, That in respect to his memory the flags upon the State House be lowered to half-mast to-day and to-morrow.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Adopted April 2, 1870.

JOINT RESOLUTION

Relative to insane persons belonging to the Central Asylum District.

Resolved by the General Assembly of the State of Ohio, That until otherwise ordered, the Central Lunatic Asylum district shall be so divided as to assign the patients who may be committed from the counties of Carroll, Stark, Wayne, Ashland and Holmes, to the Northern Asylum; those from the counties of Belmont, Coshocton, Crawford, Delaware, Fairfield, Franklin, Guernsey, Hancock, Hardin, Harrison, Jefferson, Tuscarawas, Union, Knox, Licking, Marion, Monroe, Morgan, Muskingum, Madison, Morrow, Noble, Pickaway, Richland and Wyandott, to the Southern Asylum; those from the counties of Ross, Athens, Lawrence, Meigs, Gallia, Washington, Pike, Fayette, Perry, Hocking, Jackson and Vinton, to the Longview Asylum. The patients now at the several asylums shall remain where they are until regularly discharged, unless, by mutual arrangement between the several superintendents, exchanges are effected.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Adopted April 2, 1870.

JOINT RESOLUTION

Relative to Warren's Ohio Criminal Laws and Forms.

Resolved by the General Assembly of the State of Ohio, That the county commissioners of the several counties of this state be and they are hereby authorized to purchase and procure, to be delivered at the office of the auditors of their several counties, such number of copies of Warren's Ohio Criminal Law and Forms (third edition) as may be necessary to furnish one to the probate judge, and each justice of the peace and mayor in their respective counties, at a price not exceeding four dollars per copy, for the payment of which the county auditor shall draw his order on the treasurer of the county, to be paid out of such funds as the commissioners may designate: Provided, that the books so purchased shall be printed and bound in manner and style not inferior to the Ohio State Reports, as required by the act of April 11, 1865, (S. & S., 622) and each copy shall have lettered upon its back the words: "The property of the State of Ohio."

Resolved further, That the several county auditors receiving said books shall distribute the same to said officers; but the books shall not become

the property of the officers to whom they are distributed, but shall continue to be the property of the state, and shall be delivered by them to their successors in office.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Adopted April 6, 1870.

JOINT RESOLUTION

Relative to the admission into the Southern Lunatic Asylum of insane inmates of the National Soldiers' Home, in Montgomery county.

Resolved by the General Assembly of the State of Ohio, That authority is hereby given to the trustees of the Southern Lunatic Asylum, at Dayton, to afford temporary accommodation in said asylum to the insane inmates of the National Soldiers' Home, in Montgomery county; the cost of subsisting and taking care of such inmates, when not citizens of Ohio, to be paid by the managers of said National Soldiers' Home.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Adopted April 6, 1870.

JOINT RESOLUTION

Extending the privileges of the State Library to members and ex-members of Congress.

Resolved by the General Assembly of the State of Ohio, That the rights and privileges of the State Library be extended to senators and representatives and ex-senators and representatives in the congress of the United States from Ohio.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
 J. C. LEE,
President of the Senate.

Passed April 6, 1870.

JOINT RESOLUTION

Authorizing the Superintendent of the State House to procure two new Flags to be placed over the State House.

Resolved by the General Assembly of the State of Ohio, That the superintendent of the State House be authorized and required to procure two new

bunting flags, sixteen by twenty-four feet, to place over the respective houses of the general assembly while in session.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
J. O. LEE,
President of the Senate.

Adopted April 6, 1870.

JOINT RESOLUTION

Making provisions for an appropriation to purchase books for the use of the Convicts in the Penitentiary.

WHEREAS, The reformation of the prisoners confined in the Ohio Penitentiary, is a subject demanding serious consideration of every member of this General Assembly; therefore

Resolved by the General Assembly of the State of Ohio, That the sum of one thousand dollars is hereby directed to be appropriated, out of any funds in the treasury not otherwise appropriated, to be expended under the direction of the Directors of the Ohio Penitentiary in the purchase of suitable library books, for the use of the prisoners.

J. R. COCKERILL,
Pro tem. Speaker of the House of Representatives.
SAM'L F. HUNT,
President [pro tem.] of the Senate.

Adopted April 12, 1870.

JOINT RESOLUTION

Providing for the appointment of a committee, by the Governor to escort the remains of Major General George H. Thomas, through the State.

Resolved by the General Assembly of the State of Ohio, That the Governor be and he hereby is requested to designate a committee of seven gentlemen in the name and in behalf of the people of Ohio, to meet at the state line and attend through the state, the remains of Major General George H. Thomas, now in transit to Troy, New York.

J. R. COCKERILL,
Pro tem. Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Adopted April 12, 1870.

JOINT RESOLUTION

Looking to the passage of a law by Congress for the surrender of the National Road to the counties in which it is located.

WHEREAS, By the building of railroads, the public travel on the National road has greatly decreased, and the public requirements not demanding its being kept up as a means of inter-state communication, nor as a post road; and

WHEREAS, The keeping of said National road in repair does and will continue to entail upon the state an ever-increasing expense, and create an unequal tax; and

WHEREAS, The Legislature of this state is, in accordance with public sentiment, encouraging the construction of free turnpikes, and the people residing along the line of the National road are required to pay toll thereon, and at the same time are heavily taxed to construct said free turnpikes for other localities in the same county; and

WHEREAS, The counties through which said National road passes can keep the same in repair at less cost than the state; therefore

Resolved by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress, be requested to urge the passage of a law by which the state of Ohio will be authorized to surrender said National road to the several counties through which it is located, as the state may provide; and for a surrender to said state of Ohio, of all claims which the United States may have upon any part of said National road, and the repeal of all acts of Congress relating thereto.

Resolved, That the Governor transmit a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

J. R. COCKERILL,

Pro tem. Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Adopted April 12, 1870.

JOINT RESOLUTION

Providing for the admission of John Powers into the Southern Ohio Lunatic Asylum.

WHEREAS, An indictment for murder in the first degree was found in Logan county, Ohio, against one John Powers; and

WHEREAS, Said John Powers was acquitted of the crime charged in said indictment solely on the ground that he was insane at the time he committed the act charged therein; and

WHEREAS, Said John Powers is not a citizen of the state of Ohio, and is still insane; therefore, be it

Resolved by the General Assembly of the State of Ohio, That the sheriff of Logan county is hereby required to conduct said John Powers to the Southern Ohio Lunatic Asylum at Dayton, and the superintendent of said Asylum is required to receive said John Powers and keep him in the same manner that other patients are kept in said Asylum.

J. R. COCKERILL,

Pro tem. Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Adopted April 12, 1870.

JOINT RESOLUTION

Authorizing the Commissioners of the Sinking Fund to negotiate a Temporary Loan.

Resolved by the General Assembly of the State of Ohio, That the Commissioners of the Sinking Fund be and they are hereby authorized, on or

after the first of November, 1870, as it may become necessary to anticipate the incoming revenues of the state, to negotiate a temporary loan for and in behalf of the state, not exceeding four hundred thousand dollars.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Adopted April 14, 1870.

JOINT RESOLUTION

Rescinding a joint resolution adopted May 6, 1869, for the payment of Samuel Doyle.

Resolved by the General Assembly of the State of Ohio, That the joint resolution providing for the payment of Samuel Doyle, adopted May 6, 1869, be and the same is hereby rescinded.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Adopted April 14, 1870.

JOINT RESOLUTION

Relative to the decease of Major General George H. Thomas.

WHEREAS, In the Dispensation of Divine Providence, the nation has been afflicted by the sudden death of one of its purest, bravest and most patriotic servants, Major General George H. Thomas, who by his devotion to the country in the times of its greatest danger had proved himself worthy the love and gratitude of his countrymen; and

WHEREAS, The people of the State of Ohio feel that his name and fame are a national heritage, and that they, in common with the friends of liberty and justice throughout the land, should pay tribute to his memory; therefore,

1. *Resolved by the General Assembly of the State of Ohio, That in him the nation mourns a faithful servant, fallen in her service, a brave soldier and able general, and an unselfish patriot, in whose life every American citizen may find a model, and for whose death every lover of liberty must mourn.*

2. *Resolved, That in testimony of respect and honor which we owe his memory, the flags upon the State Capitol be displayed at half-mast and draped in mourning during the remainder of the present session.*

3. *Resolved, That the Governor be requested to forward a copy of these resolutions to the family of the deceased, to the President of the United States, and to the Secretary of War of the United States, and that a copy be spread upon the journals of the Senate and House of Representatives.*

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Adopted April 14, 1870.

JOINT RESOLUTION

Relative to printing the annual report of the Geological Corps of Ohio, for the year 1869.

WHEREAS, The engraving of the plates, which accompany the Geological Report, will delay the publication of that report several months, and there are some portions of the report that should be given to the public at as early a day as possible, therefore,

Resolved by the General Assembly of the State of Ohio, That so much of Professor Newberry's report, as will serve to form a report of progress of the Geological survey of Ohio for 1869; Professor Andrews' report on the geology of South Eastern Ohio; Professor Orton's report on the Geology of Montgomery county, with such maps and sections as are prepared to illustrate each of these reports, be printed at once in pamphlet form, as the annual report of the Geological Corps of Ohio for the year 1869, to the number of two thousand five hundred copies; five hundred copies for the Geological Corps, and two thousand copies for the General Assembly, to be divided equally among the members, and sent by the Secretary of State as provided for the distribution of the Agricultural Report, to the Auditor of the county of each member, as soon as printed; and that the publication of the remainder of the manuscripts submitted by the Geological Corps, be deferred until the plates shall be engraved.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.

SAM'L F. HUNT,
President pro tem. of the Senate.

Adopted April 14, 1870.

JOINT RESOLUTION

Relative to printing the report of the Auditor of State, on the subject of Life Insurance.

Resolved by the General Assembly of the State of Ohio, That eighteen hundred copies of the report of the Auditor of State as to the condition and affairs of Life Insurance companies in this state, and of companies doing business in this state, be published for distribution by the Auditor of State, until otherwise ordered by law.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.

SAM'L F. HUNT,
President pro tem. of the Senate.

Adopted April 16, 1870.

JOINT RESOLUTION

Requesting the aid of Congress relative to the central water line of the Chesapeake and Ohio Canal.

WHEREAS, The State of Virginia and the Chesapeake and Ohio Canal Company have resisted every overture made to them by foreign capitalists for the surrender of their franchises in the Kanawha and James Rivers,

Canal route, and have thus given evidence that it is the wish of Virginia, the magnanimous donator of the great Northwest Territory, to provide for that territory a highway from the Ohio river to tide water, that shall be divested of all private interest, and as near as possible free to the whole nation; therefore,

Resolved by the General Assembly of the State of Ohio, That we look upon this channel of communication, first advocated by George Washington, between the valley of the Mississippi and the Atlantic, as a work of national importance, one involving vital interest not only to the Western States, but to those on the western and eastern slope of the Alleghenies, a promoter of the welfare of all.

Resolved, That said line of water communication of the Kanawha and James rivers, their head-waters being but twenty-eight and a half miles apart, is entitled to receive the careful consideration of Congress, to the end that being a work of national importance, it may receive such aid from the general government, under its authority to regulate commerce between the States, as will secure its early completion.

Resolved, That we recommend that the work of construction and operation be placed by Congress in charge of nine trustees, one of whom should be the Secretary of the Interior, four appointed by the President of the United States, by and with the advice and consent of the Senate, and one each in like manner by the States of Virginia, West Virginia, Ohio and Kentucky.

Resolved, That the Governor of Ohio is hereby requested to forward copies of the foregoing resolutions to the President of the United States, with the request that the same shall be by him laid before Congress; that copies be also forwarded to the Governors of the several States, with the request that they be laid before their respective Legislatures, and that our Senators and Representatives in Congress be requested by the Governor to use their best endeavors to secure the passage of such measures as will conduce to the early construction of this work.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Adopted April 16th, 1870.

JOINT RESOLUTION

Relating to the binding of the Report of the Ohio Horticultural Society.

Resolved by the General Assembly of the State of Ohio, That the Supervisor of State Printing be and he is hereby instructed to cause five hundred copies of the report of Ohio Horticultural Society for the years 1869 and 1870, to be bound separately, in pamphlet form, for the use of the members of said society.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Adopted April 18, 1870.

JOINT RESOLUTION

Directing the Attorney General to make a contract with the Directors of Longview Asylum, for the care of certain insane.

Resolved by the General Assembly of the State of Ohio, That the Attorney General be and is hereby authorized and directed to enter into a contract with the Directors of Longview Asylum, for the support, maintenance and treatment of not exceeding one hundred patients from the Central Asylum district, and such counties as have been assigned to said Longview Asylum by previous resolution, at the rate of four dollars and eighty cents per week for each patient, subject to the future action of the General Assembly.

Resolved, That Senate Joint Resolution No. 51, passed March 25, 1870, be and the same is hereby rescinded.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President [pro tem.] of the Senate.

Adopted April 18, 1870.

JOINT RESOLUTION

Authorizing the Governor to receive proposals for a tract of land, with buildings thereon, for the Reform and Industrial School for Girls.

WHEREAS, By the passage of an act passed by this General Assembly, the White Sulphur Springs property has been diverted from the purpose of a permanent Reform School for Girls, and established as an Orphans' Home; therefore,

Resolved by the General Assembly of the State of Ohio, That for the purpose of securing a permanent location for the Girls' Reform School, the Governor is hereby authorized to receive proposals tendering gifts or donations with a view to that object: Provided, that any and all proposals shall be made in writing and guaranteed to the satisfaction of the Governor, and no proposal shall be accepted by the Governor unless it donate unconditionally at least fifty acres of land, with buildings thereon suitable for the accommodation of fifty persons. That as soon as a suitable location has been secured agreeably to the conditions herein provided, the Trustees of the Girls' Reform School are hereby authorized to transfer the said school from White Sulphur Springs to the new establishment.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Adopted April 18, 1870.

JOINT RESOLUTION

Instructing our Senators and Representatives in Congress to use their influence in behalf of American citizens confined in British dungeons.

Resolved by the General Assembly of the State of Ohio, That the Senators and Representatives in Congress from this State, are hereby requested to use their influence to secure the immediate intervention of this government in behalf of American citizens now unjustly confined in British dungeons on the charge of sedition.

Resolved, That the Governor be requested to forward a copy of the foregoing resolution to each of the Senators and Representatives in Congress from this State, and ask that it be laid before their respective Houses.

A. J. CUNNINGHAM,

Speaker of the House of Representatives.

SAM'L F. HUNT,

President pro tem. of the Senate.

Adopted April 18, 1870.

JOINT RESOLUTION

Requiring the Attorney General to take steps to collect \$2,761.44 from Samuel Doyle.

WHEREAS, Samuel Doyle received from W. Griswold, acting commissioner of the public works, at the date thereof, three checks for the sum of \$1,915 each, and dated December 15, 1856, January 15, 1857, and February 14, 1857, respectively, and all made payable to Samuel Doyle, or order, and which, when paid, were in full payment of all demands on the part of said Samuel Doyle and Samuel Doyle & Co. against the State of Ohio of every kind and description up to February 15, 1857, growing out of the contract between said Doyle & Co. and the State of Ohio for repairs upon section No. 2, of the public works of the State awarded said Doyle & Co. November 15, 1855; and

WHEREAS, The said checks dated December 15, 1856, and January 15, 1857, were by the State of Ohio fully paid to the said Samuel Doyle on the 23d day of April, 1857, and the check dated February 14, 1857, on the 8th day of May, 1857, and fully receipted for, and payment acknowledged by the said Samuel Doyle at the date last aforesaid; and

WHEREAS, The said Samuel Doyle addressed his memorial to the General Assembly of the State of Ohio at their session in 1861, representing therein that said checks had not been paid, and that the full amount thereof was still due him, although he had presented the same for payment, and the said General Assembly having no evidence of the payment of said checks, as said checks, after having been so receipted by the said Samuel Doyle, were mislaid in the office of the Auditor of State, and believing the same were unpaid, and under a misapprehension of the facts, did, on the 11th day of May, 1861, pass a joint resolution authorizing the Auditor of State to draw his warrant on the Treasury in favor of the said Samuel Doyle for the sum of \$2,761.44, which sum the said Samuel Doyle, in his memorial addressed to this General Assembly, admits he received and receipted for, which sum was in fact paid him on _____ day of _____, 1861; all of which will more fully appear by a letter of the Auditor of State hereto attached, marked A.

AUDITOR OF STATE'S OFFICE, COLUMBUS, Apr. 1, 1870.

Hon. G. A. Hubbard, House of Representatives:

DEAR SIR:—The claim of Samuel Doyle, for alleged balance due on certain checks issued by the Board of Public Works, as set forth in his memorial, has been discovered to have been paid in full in 1857. The action of the Legislature in 1861, by which the sum of \$2,761.44 was appropriated for payment of balance supposed to be due upon said checks, served to mislead in the investigation that was made last year in this office. As there was no suspicion of pay't prior to 1861, and as none was made subsequent to the pay't of \$2,761.44, it was believed that the balance remained unpaid. It now appears, as stated before, that the checks were paid in full in 1857, as follows:

Checks No. 30 and 31, for \$1,915.00 each, paid to Bartlit & Smith, Apr. 23, 1857—\$3,830. Check No. 33, for \$1,915.00, paid on May 8, 1857, to Samuel Doyle in person—\$1,915.00.

These checks are identical with the receipts given to W. Griswold, Acting Commissioner of Public Works, on the 15th December, 1856, 15th of January, 1857, and February 14, 1857, for \$1,915 each, by Doyle & Miller, and correspond exactly with the checks referred to in the memorial of Samuel Doyle, with the joint resolution of the General Assembly in 1861, and the act appropriating \$2,761.44 in 1861.

This evidence of pay't was only discovered to-day, and that, too, accidentally, the vouchers being out of their proper place. The papers had been taken from the files by some persons unknown, probably a committee of investigation.

JAMES H. GODMAN, *Aud. of State.*

Therefore, *Resolved by the General Assembly of the State of Ohio*, That the Attorney General be and he is hereby authorized and required, if said sum of \$2,761.44, with interest from the date of the payment thereof, is not refunded to the State within sixty days, to take the necessary steps, by suit or otherwise, for the collection or recovery of the same.

Resolved, further, That the joint resolution "relative to the claim of Samuel Doyle," passed May 11, 1861, be and the same is hereby rescinded.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Adopted April 18, 1870.

JOINT RESOLUTION

Providing for the adjournment of the General Assembly from April 18, 1870, at 9 o'clock A. M., until the first Tuesday of January, A. D. 1871, at 2½ o'clock, P. M.

Resolved by the General Assembly of the State of Ohio, That this General Assembly will adjourn on Monday, April 18, 1870, at 9 o'clock A. M., to meet again on the 1st Tuesday of January, 1871, at 2½ o'clock P. M.

A. J. CUNNINGHAM,
Speaker of the House of Representatives.
SAM'L F. HUNT,
President pro tem. of the Senate.

Adopted April 15, 1870.

OFFICE OF SECRETARY OF STATE,
Columbus, Ohio, May 24, 1870.

I hereby certify that the foregoing General and Local Laws and Joint Resolutions are correctly copied from the original rolls on file in this office.

ISAAC R. SHERWOOD,
Secretary of State.

TIMES OF HOLDING COURTS IN OHIO IN 1870.

OFFICE OF THE SECRETARY OF STATE,
Columbus, Ohio, May 24, 1870.

The following list of the times of holding the District Courts and Courts of Common Pleas for the year 1870, is published for the information of the Judiciary and Bar of the State. The dates generally are those fixed by the Judges—in a few instances, by the General Assembly.

ISAAC R. SHERWOOD,
Secretary of State.

FIRST DISTRICT.

District Court.

Hamilton, April 18, October 3.

Common Pleas.

Hamilton, January 3, June 6, November 7.

SECOND DISTRICT.

District Court.

Butler, May 11; Champaign, May 30; Clarke, April 25; Clinton, May 19; Darke, May 2; Greene, May 25; Miami, April 29; Montgomery, April 27; Preble, May 9; Warren, May 23.

Common Pleas.

Butler, January 10, April 4, October 17.
Champaign, March 7, June 20, November 28.
Clarke, January 24, June 6, October 3.
Clinton, March 7, June 13, November 14.
Darke, January 24, April 5, December 5.
Greene, March 14, June 20, November 14.
Miami, February 1, June 6, October 24.
Montgomery, March 1, May 23, October 17.
Preble, March 7, June 6, November 28.
Warren, February 1, May 30, October 3.

THIRD DISTRICT.

District Court.

Allen, July 6; Anglaize, July 12; Crawford, July 28; Defiance, June 29; Fulton, June 22; Hancock, August 5; Hardin August 2; Henry, June 27; Logan, July 18; Marion, July 21; Mercer, July 13; Paulding, July 1; Putnam, July 9; Seneca, August 8; Shelby, July 15; Union July 25; Van Wert, July 5; Williams, June 21, Wood, June 28; Wyandot, July 20

Common Pleas.

Allen, February 15, May 3, October 18.
 Auglaize, February 22, May 17, October 26.
 Crawford, March 1, May 17, November 15.
 Defiance, January 24, April 25, September 26.
 Fulton, February 22, May 10, October 18.
 Hancock, February 1, April 26, October 25.
 Hardin, February 14, May 23, September 5.
 Henry, February 7, May 2, October 3.
 Logan, March 7, June 6, October 17.
 Marion, February 1, May 3, October 25.
 Mercer, February 8, May 3, October 18.
 Paulding, February 1, June 7, September 20.
 Putnam, February 1, May 17, September 20.
 Seneca, March 1, June 1, November 22.
 Shelby, January 24, May 9, September 26.
 Union, January 4, April 25, August 16.
 Van Wert, January 18, April 19, September 20.
 Williams, March 8, May 17, November 1.
 Wood, January 4, April 5, September 20.
 Wyandot, January 10, April 4, October 3.

FOURTH DISTRICT.

District Court.

Cuyahoga, September 12 ; Erie, April 21 ; Huron, April 18 ; Lorain, September 5 ; Lucas, April 4 ; Medina, September 7 ; Ottawa, April 13 ; Sandusky, April 11 ; Summit, September 9.

Common Pleas.

Cuyahoga, February 7, May 9, November 7.
 Erie, January 24, May 16, October 17.
 Huron, February 28, June 6, November 7.
 Lorain, February 28, June 6, November 14.
 Lucas, February 14, May 9, October 17.
 Medina, February 14, May 24, October 12.
 Ottawa, February 15, May 3, September 27.
 Sandusky, February 14, May 23, October 17.
 Summit, January 24, May 2, October 24.

FIFTH DISTRICT.

District Court.

Adams, September 22 ; Brown, September 24 ; Clermont, September 29 ; Fayette, May 16 ; Franklin, May 5 ; Highland, October 3 ; Madison, May 4 ; Pickaway, May 11 ; Ross, October 5.

Common Pleas.

Adams, January 26, May 17, September 27.
 Brown, February 8, June 7, November 1.
 Clermont, March 1, June 28, October 12.
 Fayette, February 22, June 28, November 29.
 Franklin, February 14, May 18, October 17.

Highland, January 11, May 24, October 12.
 Madison, February 1, April 19, September 20.
 Pickaway, March 15, June 14, November 15.
 Ross, January 25, June 7, November 1.

SIXTH DISTRICT.

District Court.

Ashland, June 24; Coshocton, June 7; Delaware, June 15; Holmes, June 28; Knox June 23; Licking, June 9; Morrow, June 17; Richland, June 20; Wayne, June 27.

Common Pleas.

Ashland, March 28, September 5, December 5.
 Coshocton, February 8, May 3, October 25.
 Delaware, March 21, August 1, November 7.
 Holmes, January 17, April 18, October, 12.
 Knox, February 15, May 10, September 27.
 Licking, January 10, April 4, September 5.
 Morrow, February 7, August 8, October 17.
 Richland, February 21, August 22, November 7.
 Wayne, March 14, August 22, November 21.

SEVENTH DISTRICT.

District Court.

Athens, September 8; Fairfield, September 1; Gallia, April 14; Hocking, September 5; Jackson, September 14; Lawrence, April 18; Meigs April 11; Perry, August 30; Pike, April 25; Scioto, April 21; Vinton, September 12; Washington, April 6.

Common Pleas.

Athens, March 14, May 26, November 2.
 Fairfield, February 21, May 23, October 17.
 Gallia, February 2, April 28, September 20.
 Hocking, March 14, June 13, November 7.
 Jackson, January 31, May 2, September 26.
 Lawrence, March 7, June 6, October 31.
 Meigs, February 21, May 11, October 12.
 Perry, February 7, May 9, October 3.
 Pike, January 24, April 26, September 19.
 Scioto, February 7, May 9, October 3.
 Vinton, February 21, May 25, October 17.
 Washington, March 10, May 26, October 31.

EIGHTH DISTRICT.

District Court.

Belmont, September 14; Guernsey, September 19; Harrison, September 26; Jefferson, September 28; Monroe, September 12; Morgan, September 5; Muskingum, August 31; Noble, September 7; Tuscarawas, September 23.

Common Pleas.

Belmont, February 1, May 3, November 1.
 Guernsey, February 1, April 26, November 15.
 Harrison, January 31, May 2, October 17.
 Jefferson, February 28, May 30, November 14.
 Monroe, April 12, July 12, October 18.
 Morgan, March 14, June 6, October 12.
 Muskingum, January 31, April 25, October 31.
 Noble, March 15, June 7, October 18.
 Tuscarawas, February 14, May 16, October 31.

NINTH DISTRICT.

District Court.

Ashtabula, May 18; Columbiana, April 27; Carroll, April 18; Geauga,
 May 16; Lake, May 13; Mahoning, May 2; Portage, May 10; Stark,
 April 21; Trumbull, May 5.

Common Pleas.

Ashtabula, February 7, June 13, October 17.
 Columbiana, February 14, June 7, November 7.
 Carroll, January 10, April 4, September 19.
 Geauga, January 11, April 5, August 23.
 Lake, January 24, May 30, September 5.
 Mahoning, January 10, March 21, September 12.
 Portage, January 31, May 23, October 17.
 Stark, February 28, May 24, October 17.
 Trumbull, February 14, June 6, November 17.

JUDGES OF SUPREME COURT OF OHIO.

Names.	Residence.	Remarks.
Jacob Brinkerhoff, <i>Chief Justice</i>	Mansfield.....	Term expires February, 1871.
Josiah Scott, <i>Judge</i>	Hamilton.....	" " " 1872.
John Welch, ".....	Athens.....	" " " 1873.
William White, ".....	Springfield.....	" " " 1874.
Luther Day, ".....	Ravenna.....	" " " 1875.
Rodney Foss, <i>Clerk</i>	Wilmington.....	" " " 1872.
L. J. Critchfield, <i>Reporter</i>	Columbus.....	" " December, 1871.
Jas. H. Beebe, <i>Law Librarian</i>	Columbus.....	" " February, 1873.

JUDGES OF COURTS OF COMMON PLEAS.

Dist.	Sub-Div.	Counties.	Names of Judges.	Post-office Address.
No. 1	Hamilton	Manning F. Force..... Charles C. Murdock..... Joseph Cox.....	Cincinnati. Cincinnati. Cincinnati.
No. 2	1 {	Butler	Wm. J. Gilmore..... John C. McKemy.....	Eaten. Greenville.
		Preble		
		Darke.....		
		Montgomery		
No. 2	2 {	Champaign	Ichabod Corwin.....	Urbana.
		Miami		
No. 2	3 {	Warren	Edmund H. Munger..... Leroy Pope.....	Xenia. Wilmington.
		Clinton		
		Greene		
		Clarke		
No. 3	1 {	Logan	Jacob S. Conklin.....	Sidney.
		Union		
		Hardin		
		Shelby		
No. 3	2 {	Anglaize	James McKenzie..... Edward M. Phelps	Lima. St. Mary's.
		Allen		
		Mercer		
		Van Wert		
		Putnam		
No. 3	3 {	Paulding	Alex. S. Latty	Defiance.
		Defiance		
		Williams		
		Fulton		
		Henry		
No. 3	4 {	Seneca	Chester R. Mott..... James Pillars	U. Sandusky. Tiffin.
		Hancock		
		Wyandot		
		Crawford.....		
		Marion		
		Wood		
No. 4	1 {	Lucas	Walter F. Stone..... Charles E. Pennewell..... William A. Collins	Sandusky. Norwalk. Toledo.
		Ottawa		
		Sandusky		
		Erie		
		Huron		
No. 4	2 {	Lorain	Washington W. Boynton..	Elyria.
		Medina		
		Summit		
No. 4	3	Cuyahoga	Horace Foote..... Samuel B. Prentiss..... Robert F. Paine.....	Cleveland. Cleveland. Cleveland.
No. 5	1 {	Clermont.....	Thomas Q. Ashburn.....	Batavia.
		Brown		
		Adams		
No. 5	2 {	Highland	Alfred S. Dickey..... Wm. H. Sedford	Lyndon. Chillicothe.
		Ross		
		Fayette		

JUDGES OF COURTS OF COMMON PLEAS—*Continued.*

Dist.	Sub-Div.	Counties.	Names of Judges.	Post-office Address.
No. 5	3	{ Pickaway	{ John L. Green	Columbus.
		{ Franklin	{ Joseph Olds	Circleville.
		{ Madison		
No. 6	1	{ Licking	{ Thomas C. Jones	Delaware.
		{ Knox	{ Jerome Buckingham	Newark.
		{ Delaware		
No. 6	2	{ Morrow	{ William Osborn	Ashland.
		{ Richland	{ George W. Geddes	Mansfield.
		{ Ashland		
No. 6	3	{ Wayne	{ William Reed	Millersburg.
		{ Holmes		
		{ Coshocton		
No. 7	1	{ Fairfield	{ Silas H. Wright	Logan.
		{ Perry		
		{ Hocking		
No. 7	2	{ Jackson	{ John P. Plyley	McArthur.
		{ Vinton	{ Wm. W. Johnson	Ironton.
		{ Pike		
		{ Scioto		
		{ Lawrence		
No. 7	3	{ Gallia	{ Erastus A. Guthrie	Athens.
		{ Meigs	{ Wm. B. Loomis	Marietta.
		{ Athens		
		{ Washington		
No. 8	1	{ Muskingum	{ Moses M. Granger	Zanesville.
		{ Morgan	{ Fred. W. Wood	McConnelsville.
		{ Noble		
		{ Guernsey		
No. 8	2	{ Belmont	{ John S. Way	Woodsfield.
		{ Monroe		
No. 8	3	{ Jefferson	{ George W. McIlvain	N. Philadelphia.
		{ Harrison		
		{ Tuscarawas		
No. 9	1	{ Stark	{ Joseph Frease	Canton.
		{ Carroll		
		{ Columbiana		
No. 9	2	{ Trumbull	{ George M. Tuttle	Warren.
		{ Portage	{ Philo B. Conant	Ravenna.
		{ Mahoning		
No. 9	3	{ Geauga	{ Norman L. Chaffee	Jefferson.
		{ Lake		
		{ Ashtabula		

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